

A bill for an act

relating to higher education; classifying data; amending postsecondary education provisions; setting deadlines; allowing certain advertising; establishing the Minnesota P-20 education partnership; regulating course equivalency guides; requiring notice to prospective students; requiring lists of enrolled students; amending Minnesota Office of Higher Education responsibilities; establishing programs; defining terms; regulating grants, scholarships, and work-study; requiring an annual certificate; regulating certain board membership provisions; requiring job placement impact reviews; regulating oral health care practitioner provisions; establishing fees; providing criminal penalties; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 13.3215; 124D.09, subdivision 9; 135A.08, subdivision 1; 135A.17, subdivision 2; 135A.25, subdivision 4; 136A.08, subdivision 1, by adding a subdivision; 136A.101, subdivision 5a; 136A.121, by adding subdivisions; 136A.127, subdivisions 2, 4, 9, 10, 12, 14, by adding a subdivision; 136A.1701, subdivision 10; 136A.87; 136F.02, subdivision 1; 136F.03, subdivision 4; 136F.04, subdivision 4; 136F.045; 136F.19, subdivision 1; 136F.31; 137.0245, subdivision 2; 137.0246, subdivision 2; 137.025, subdivision 1; 150A.01, by adding subdivisions; 150A.05, subdivision 2, by adding subdivisions; 150A.06, subdivisions 2d, 5, 6, by adding subdivisions; 150A.08, subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 8, 10; 150A.10, subdivisions 1, 2, 3, 4; 150A.11, subdivision 4; 150A.12; 150A.21, subdivisions 1, 4; 151.01, subdivision 23; 151.37, subdivision 2; 201.061, subdivision 3; 299A.45, subdivision 1; Laws 2007, chapter 144, article 1, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 127A; 135A; 136A; 136F; 150A; repealing Minnesota Statutes 2008, sections 136A.127, subdivisions 8, 13; 150A.061.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

HIGHER EDUCATION APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

Subdivision 1. Summary By Fund. The amounts shown in this subdivision summarize direct appropriations, by fund, made in this article.

2.1	<u>SUMMARY BY FUND</u>			
2.2		<u>2010</u>	<u>2011</u>	<u>Total</u>
2.3	<u>General</u>	\$ <u>1,439,812,000</u>	\$ <u>1,496,072,000</u>	\$ <u>2,935,884,000</u>
2.4	<u>Health Care Access</u>	<u>2,157,000</u>	<u>2,157,000</u>	<u>4,314,000</u>
2.5	<u>Federal</u>	<u>117,725,000</u>	<u>0</u>	<u>117,725,000</u>
2.6	<u>State Government Special</u>			
2.7	<u>Revenue</u>	<u>93,000</u>	<u>17,000</u>	<u>110,000</u>
2.8	<u>Total</u>	\$ <u>1,559,787,000</u>	\$ <u>1,498,246,000</u>	\$ <u>3,058,033,000</u>

2.9        Subd. 2. Summary By Agency - All Funds. The amounts shown in this subdivision

2.10 summarize direct appropriations, by agency, made in this article.

2.11	<u>SUMMARY BY AGENCY - ALL FUNDS</u>			
2.12		<u>2010</u>	<u>2011</u>	<u>Total</u>
2.13	<u>Minnesota Office of Higher</u>			
2.14	<u>Education</u>	\$ <u>191,224,000</u>	\$ <u>190,083,000</u>	\$ <u>381,307,000</u>
2.15	<u>Mayo Medical Foundation</u>	<u>1,209,000</u>	<u>1,256,000</u>	<u>2,465,000</u>
2.16	<u>Board of Trustees of the</u>			
2.17	<u>Minnesota State Colleges and</u>			
2.18	<u>Universities</u>	<u>675,424,000</u>	<u>644,038,000</u>	<u>1,319,462,000</u>
2.19	<u>Board of Regents of the</u>			
2.20	<u>University of Minnesota</u>	<u>691,837,000</u>	<u>662,852,000</u>	<u>1,354,689,000</u>
2.21	<u>Board of Dentistry</u>	<u>93,000</u>	<u>17,000</u>	<u>110,000</u>
2.22	<u>Total</u>	\$ <u>1,559,787,000</u>	\$ <u>1,498,246,000</u>	\$ <u>3,058,033,000</u>

2.23    Sec. 2. HIGHER EDUCATION APPROPRIATIONS.

2.24        The sums shown in the columns marked "Appropriations" are appropriated to the

2.25 agencies and for the purposes specified in this article. The appropriations are from the

2.26 general fund, or another named fund, and are available for the fiscal years indicated

2.27 for each purpose. The figures "2010" and "2011" used in this article mean that the

2.28 appropriations listed under them are available for the fiscal year ending June 30, 2010, or

2.29 June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal

2.30 year 2011. "The biennium" is fiscal years 2010 and 2011.

2.31	<u>APPROPRIATIONS</u>			
2.32	<u>Available for the Year</u>			
2.33	<u>Ending June 30</u>			
2.34		<u>2010</u>	<u>2011</u>	
2.35	<u>Sec. 3. MINNESOTA OFFICE OF HIGHER</u>			
2.36	<u>EDUCATION</u>			
2.37	<u>Subdivision 1. Total Appropriation</u>	\$ <u>191,224,000</u>	\$ <u>190,083,000</u>	

3.1	<u>The amounts that may be spent for each</u>		
3.2	<u>purpose are specified in the following</u>		
3.3	<u>subdivisions.</u>		
3.4	<u>Subd. 2. State Grants</u>	<u>144,138,000</u>	<u>144,138,000</u>
3.5	<u>If the appropriation in this subdivision for</u>		
3.6	<u>either year is insufficient, the appropriation</u>		
3.7	<u>for the other year is available for it.</u>		
3.8	<u>For the biennium, the tuition maximum</u>		
3.9	<u>is \$11,038 in each year for students in</u>		
3.10	<u>four-year programs, and \$6,908 for students</u>		
3.11	<u>in two-year programs.</u>		
3.12	<u>This appropriation sets the living and</u>		
3.13	<u>miscellaneous expense allowance at \$6,447</u>		
3.14	<u>each year.</u>		
3.15	<u>Up to \$75,000 of this appropriation may be</u>		
3.16	<u>used to complete computer programming</u>		
3.17	<u>changes necessary to implement new</u>		
3.18	<u>Minnesota Statutes, section 136A.121,</u>		
3.19	<u>subdivision 9b.</u>		
3.20	<u>Amounts in the state grant program under</u>		
3.21	<u>Minnesota Statutes, section 136A.121, made</u>		
3.22	<u>available for reallocation due to the increase</u>		
3.23	<u>in the federal Pell grant program must</u>		
3.24	<u>remain allocated to the state grant program to</u>		
3.25	<u>provide additional resources to students.</u>		
3.26	<u>Subd. 3. Safety Officers Survivors</u>	<u>100,000</u>	<u>100,000</u>
3.27	<u>This appropriation is to provide educational</u>		
3.28	<u>benefits under Minnesota Statutes, section</u>		
3.29	<u>299A.45, to eligible dependent children and</u>		
3.30	<u>to the spouses of public safety officers killed</u>		
3.31	<u>in the line of duty.</u>		
3.32	<u>If the appropriation in this subdivision for</u>		
3.33	<u>either year is insufficient, the appropriation</u>		
3.34	<u>for the other year is available for it.</u>		

4.1	<u>Subd. 4. <b>Child Care Grants</b></u>	<u>6,184,000</u>	<u>6,184,000</u>
4.2	<u>Subd. 5. <b>State Work-Study</b></u>	<u>12,444,000</u>	<u>12,444,000</u>
4.3	<u>Subd. 6. <b>Achieve Scholarship Program</b></u>	<u>8,643,000</u>	<u>7,486,000</u>
4.4	<u>(1) For scholarships under Minnesota</u>		
4.5	<u>Statutes, section 136A.127.</u>		
4.6	<u>(2) This appropriation includes \$4,000,000</u>		
4.7	<u>that must be used in the 2010-2011 biennium</u>		
4.8	<u>for advising and counseling grants, to support</u>		
4.9	<u>access to rigorous high school courses and</u>		
4.10	<u>college attendance programs. This includes,</u>		
4.11	<u>but is not limited to, college in the schools</u>		
4.12	<u>and postsecondary enrollment options,</u>		
4.13	<u>grants under the Intervention for College</u>		
4.14	<u>Attendance Program, additional funding for</u>		
4.15	<u>the Get Ready Program or local recipients of</u>		
4.16	<u>federal TRIO program money, local college</u>		
4.17	<u>access programs, and to increase support</u>		
4.18	<u>for schools and school districts to improve</u>		
4.19	<u>high school counseling. This is a onetime</u>		
4.20	<u>appropriation.</u>		
4.21	<u>(3) To provide continuity in program services</u>		
4.22	<u>and facilitate data collection that measures</u>		
4.23	<u>Advising and Counseling College Program</u>		
4.24	<u>outcomes, the director must, in selecting</u>		
4.25	<u>grant recipients for the 2010-2011 biennium,</u>		
4.26	<u>give priority to 2008-2009 grantees that</u>		
4.27	<u>provide up-to-date annual outcome data</u>		
4.28	<u>on services provided, students served, and</u>		
4.29	<u>other information requested by the director.</u>		
4.30	<u>Projects whose funding is renewed, must:</u>		
4.31	<u>(i) retain an emphasis on beginning early in a</u>		
4.32	<u>student's time in school to prepare students</u>		
4.33	<u>for academic success in college; and</u>		

5.1	<u>(ii) use objective measures to report on the</u>		
5.2	<u>project's impacts on student achievement,</u>		
5.3	<u>student enrollment in rigorous courses,</u>		
5.4	<u>high school attendance and success in</u>		
5.5	<u>postsecondary education, and college</u>		
5.6	<u>counseling effectiveness.</u>		
5.7	<u>The base funding for this program is</u>		
5.8	<u>\$9,544,000 in fiscal year 2012 and</u>		
5.9	<u>\$11,845,000 in fiscal year 2013.</u>		
5.10	<b><u>Subd. 7. Indian Scholarships</u></b>	<u>1,875,000</u>	<u>1,875,000</u>
5.11	<u>The director must contract with at least one</u>		
5.12	<u>person with demonstrated competence in</u>		
5.13	<u>American Indian culture and residing in or</u>		
5.14	<u>near the city of Bemidji to assist students</u>		
5.15	<u>with the scholarships under Minnesota</u>		
5.16	<u>Statutes, section 136A.126, and with other</u>		
5.17	<u>information about financial aid for which</u>		
5.18	<u>the students may be eligible. Bemidji State</u>		
5.19	<u>University must provide office space at</u>		
5.20	<u>no cost to the Minnesota Office of Higher</u>		
5.21	<u>Education for purposes of administering the</u>		
5.22	<u>American Indian scholarship program under</u>		
5.23	<u>Minnesota Statutes, section 136A.126.</u>		
5.24	<b><u>Subd. 8. TEACH Program</u></b>	<u>250,000</u>	<u>250,000</u>
5.25	<u>For a grant under Minnesota Statutes, section</u>		
5.26	<u>136A.128.</u>		
5.27	<b><u>Subd. 9. Intervention for College Attendance</u></b>		
5.28	<b><u>Program Grants</u></b>	<u>496,000</u>	<u>496,000</u>
5.29	<u>For grants under Minnesota Statutes,</u>		
5.30	<u>section 136A.861. Up to \$50,000 of this</u>		
5.31	<u>appropriation each year may be used for</u>		
5.32	<u>administrative expenses.</u>		
5.33	<u>To provide continuity in program services</u>		
5.34	<u>and facilitate data collection that measures</u>		

6.1	<u>Intervention for College Attendance</u>		
6.2	<u>Program outcomes, the director must, in</u>		
6.3	<u>selecting grant recipients for the 2010-2011</u>		
6.4	<u>biennium, give priority to 2008-2009</u>		
6.5	<u>grantees that provide up-to-date annual</u>		
6.6	<u>program participation and outcome data</u>		
6.7	<u>regarding their success in increasing high</u>		
6.8	<u>school graduation, college participation, and</u>		
6.9	<u>college graduation of students served by the</u>		
6.10	<u>program; and other information requested</u>		
6.11	<u>by the director. Projects whose funding is</u>		
6.12	<u>renewed, must:</u>		
6.13	<u>(1) retain an emphasis on enhancing</u>		
6.14	<u>academic readiness for college attendance</u>		
6.15	<u>and success in college for participants in</u>		
6.16	<u>grades 6 to 12; or</u>		
6.17	<u>(2) if the program's participants are college</u>		
6.18	<u>students, document that they are providing</u>		
6.19	<u>academic support services to participants</u>		
6.20	<u>that ensure success in college.</u>		
6.21	<u>Grantees must submit data to the director</u>		
6.22	<u>about the number of students in the project's</u>		
6.23	<u>service area that would be eligible for the</u>		
6.24	<u>program, but are not being served and a plan</u>		
6.25	<u>for providing services to those students.</u>		
6.26	<u>In the report under Minnesota Statutes,</u>		
6.27	<u>section 136A.861, the office must make</u>		
6.28	<u>recommendations on which aspects of the</u>		
6.29	<u>programs and services delivered through</u>		
6.30	<u>grants under Minnesota Statutes, section</u>		
6.31	<u>136A.861, are most effective in improving</u>		
6.32	<u>college readiness and/or retention and have</u>		
6.33	<u>the potential to be expanded to provide</u>		
6.34	<u>services to a regional or statewide population.</u>		
6.35	<u>Subd. 10. <b>Midwest Higher Education Compact</b></u>	<u>95,000</u>	<u>95,000</u>

7.1	<u>Subd. 11. United Family Medicine Residency</u>		
7.2	<u>Program</u>	<u>418,000</u>	<u>434,000</u>
7.3	<u>For a grant to the United Family Medicine</u>		
7.4	<u>residency program. This appropriation</u>		
7.5	<u>shall be used to support up to 18 resident</u>		
7.6	<u>physicians each year in family practice at</u>		
7.7	<u>United Family Medicine residency programs</u>		
7.8	<u>and shall prepare doctors to practice family</u>		
7.9	<u>care medicine in underserved rural and</u>		
7.10	<u>urban areas of the state. It is intended that</u>		
7.11	<u>this program will improve health care in</u>		
7.12	<u>underserved communities, provide affordable</u>		
7.13	<u>access to appropriate medical care, and</u>		
7.14	<u>manage the treatment of patients in a more</u>		
7.15	<u>cost-effective manner.</u>		
7.16	<u>Subd. 12. Interstate Tuition Reciprocity</u>	<u>2,750,000</u>	<u>2,750,000</u>
7.17	<u>If the appropriation in this subdivision for</u>		
7.18	<u>either year is insufficient, the appropriation</u>		
7.19	<u>for the other year is available to meet</u>		
7.20	<u>reciprocity contract obligations.</u>		
7.21	<u>The base funding for this program is</u>		
7.22	<u>\$3,150,000 in fiscal year 2012 and</u>		
7.23	<u>\$3,250,000 in fiscal year 2013.</u>		
7.24	<u>Subd. 13. Minnesota College Savings Plan</u>	<u>700,000</u>	<u>700,000</u>
7.25	<u>Subd. 14. Learning Network of Minnesota</u>	<u>4,535,000</u>	<u>4,535,000</u>
7.26	<u>Subd. 15. MnLINK Gateway and Minitex</u>	<u>5,720,000</u>	<u>5,720,000</u>
7.27	<u>Subd. 16. Other Programs</u>	<u>357,000</u>	<u>357,000</u>
7.28	<u>This appropriation includes \$125,000 each</u>		
7.29	<u>year for student and parent information,</u>		
7.30	<u>\$184,000 each year for the get ready outreach</u>		
7.31	<u>program, and \$48,000 each year for a</u>		
7.32	<u>grant to the Minnesota Minority Education</u>		
7.33	<u>Partnership.</u>		

8.1	<u>Subd. 17. <b>Agency Administration</b></u>	<u>2,519,000</u>	<u>2,519,000</u>
8.2	<u>This appropriation includes \$100,000 each</u>		
8.3	<u>year to administer the Achieve Scholarship</u>		
8.4	<u>Program and \$75,000 each year to administer</u>		
8.5	<u>the Indian Scholarship Program.</u>		
8.6	<u>Subd. 18. <b>Balances Forward</b></u>		
8.7	<u>A balance in the first year under this section</u>		
8.8	<u>does not cancel, but is available for the</u>		
8.9	<u>second year.</u>		
8.10	<u>Subd. 19. <b>Transfers</b></u>		
8.11	<u>The Minnesota Office of Higher Education</u>		
8.12	<u>may transfer unencumbered balances from</u>		
8.13	<u>the appropriations in this section to the state</u>		
8.14	<u>grant appropriation, the interstate tuition</u>		
8.15	<u>reciprocity appropriation, the child care</u>		
8.16	<u>grant appropriation, the Indian scholarship</u>		
8.17	<u>appropriation, the state work-study</u>		
8.18	<u>appropriation, the achieve scholarship</u>		
8.19	<u>appropriation, the public safety officers'</u>		
8.20	<u>survivors appropriation, and the Minnesota</u>		
8.21	<u>college savings plan appropriation. Transfers</u>		
8.22	<u>from the child care or state work-study</u>		
8.23	<u>appropriations may only be made to the</u>		
8.24	<u>extent there is a projected surplus in the</u>		
8.25	<u>appropriation. A transfer may be made</u>		
8.26	<u>only with prior written notice to the chairs</u>		
8.27	<u>of the senate and house of representatives</u>		
8.28	<u>committees with jurisdiction over higher</u>		
8.29	<u>education finance.</u>		
8.30	<u>Subd. 20. <b>TANF Work-Study</b></u>		
8.31	<u>Notwithstanding any rule to the contrary,</u>		
8.32	<u>work-study jobs funded by a TANF</u>		
8.33	<u>appropriation do not require employer</u>		
8.34	<u>matching funds.</u>		



9.1     Sec. 4. BOARD OF TRUSTEES OF THE  
9.2     MINNESOTA STATE COLLEGES AND  
9.3     UNIVERSITIES

9.4     Subdivision 1. Total Appropriation                             \$     675,424,000 \$     644,038,000

9.5	<u>Appropriations by Fund</u>		
9.6		<u>2010</u>	<u>2011</u>
9.7	<u>General</u>	<u>615,362,000</u>	<u>644,038,000</u>
9.8	<u>Federal</u>	<u>60,062,000</u>	<u>0</u>

9.9     The amounts that may be spent for each  
9.10    purpose are specified in the following  
9.11    subdivisions.

9.12    Subd. 2. General Appropriation                             615,362,000             644,038,000

9.13    (1) This appropriation includes funding for  
9.14    operation and maintenance of the system.

9.15    (2) This appropriation includes funding  
9.16    to eliminate nonresident undergraduate  
9.17    tuition at Century College, St. Paul College,  
9.18    Minneapolis Community and Technical  
9.19    College, Rochester Community and  
9.20    Technical College, Inver Hills Community  
9.21    College, St. Cloud Technical College,  
9.22    Normandale Community College, North  
9.23    Hennepin Community College, Alexandria  
9.24    Technical College, Anoka Technical College,  
9.25    and Hennepin Technical College. The Board  
9.26    of Trustees must not implement a nonresident  
9.27    undergraduate tuition rate at a community  
9.28    college, technical college, or consolidated  
9.29    community and technical college that did not  
9.30    have such a rate on May 1, 2007.

9.31    (3) This appropriation includes \$100,000 for  
9.32    Minnesota State University, Mankato, for  
9.33    development and delivery of an educational  
9.34    program for the International Renewable

10.1 Energy Technology Institute. This is a  
10.2 onetime appropriation.

10.3 (4) The Chancellor of the Minnesota State  
10.4 Colleges and Universities must review the  
10.5 following institutional priority allocations to  
10.6 determine whether the priority allocations  
10.7 are important to advancing the educational  
10.8 mission and priorities of the system:

10.9 (i) centers of excellence;  
10.10 (ii) competitive salaries;  
10.11 (iii) community energy pilots; and  
10.12 (iv) economic development e-folio upgrade.

10.13 The chancellor must make recommendations,  
10.14 by February 1, 2010, to the Board of Trustees  
10.15 concerning the priority allocations. If the  
10.16 board determines that a priority allocation is  
10.17 not important to advancing the educational  
10.18 mission and priorities of the system, then the  
10.19 board may discontinue a priority allocation  
10.20 and reallocate the funding.

10.21 (5) The system base is \$627,849,000 in fiscal  
10.22 year 2012 and \$627,849,000 in fiscal year  
10.23 2013.

10.24	<u>Subd. 3. <b>American Recovery and Reinvestment</b></u>		
10.25	<u><b>Act of 2009</b></u>	<u>60,062,000</u>	<u>0</u>

10.26 This appropriation is from the fiscal  
10.27 stabilization account in the federal fund.

10.28 This appropriation must be allocated to  
10.29 mitigate the need to raise tuition and  
10.30 fees for Minnesota resident students. This  
10.31 appropriation may be used for modernization,  
10.32 renovation, or repair of facilities that are  
10.33 primarily used for instruction, research,  
10.34 or student housing but may not be used

11.1 for maintenance of systems, equipment,  
11.2 or facilities. Amounts in this subdivision  
11.3 must not be allocated to modernization,  
11.4 renovation, or repair of stadiums or other  
11.5 facilities primarily used for athletic contests  
11.6 or exhibitions or other events for which  
11.7 admission is charged to the general public  
11.8 and must not be allocated to any facility  
11.9 used for sectarian instruction or religious  
11.10 worship or in which a substantial portion of  
11.11 the functions of the facilities are subsumed  
11.12 in a religious mission. No amount from this  
11.13 appropriation can be allocated to increase  
11.14 endowment funds.

11.15 The Board of Trustees must consult with  
11.16 the chairs of the legislative committees with  
11.17 jurisdiction over higher education finance  
11.18 and then submit a plan to the director of the  
11.19 Minnesota Office of Higher Education and  
11.20 the chairs of the legislative committees with  
11.21 jurisdiction over higher education finance by  
11.22 June 1, 2009. The plan must describe how  
11.23 the board will allocate the appropriations  
11.24 in this subdivision. The plan must describe  
11.25 the amounts that will be allocated to  
11.26 scholarships, grants, or other types of tuition  
11.27 assistance for Minnesota resident students  
11.28 and the effect of the allocations on the  
11.29 amount of proposed tuition increases that  
11.30 are mitigated. The plan must also describe  
11.31 any amounts allocated to other education  
11.32 and general purposes, and how the amounts  
11.33 allocated to these purposes will mitigate the  
11.34 need to raise tuition for Minnesota resident  
11.35 students. The director must consult with the  
11.36 chairs of the legislative committees with

12.1 jurisdiction over higher education finance  
12.2 prior to approving the plan submitted by the  
12.3 Board of Trustees. The director may require  
12.4 the Board of Trustees to modify the plan.  
12.5 The director must approve the plan by June  
12.6 15, 2009. The Board of Trustees must not  
12.7 implement the plan until the director has  
12.8 approved the plan.

12.9 An additional \$15,578,000 is appropriated  
12.10 from the fiscal stabilization account for fiscal  
12.11 year 2009 and must be allocated according to  
12.12 the requirements of this subdivision.

12.13 **EFFECTIVE DATE.** Subdivision 3 is effective the day following final enactment.

12.14 Sec. 5. **BOARD OF REGENTS OF THE**  
12.15 **UNIVERSITY OF MINNESOTA**

12.16	Subdivision 1. <b>Total Appropriation</b>	\$	<b>691,837,000</b>	\$	<b>662,852,000</b>
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12.17	<u>Appropriations by Fund</u>		
12.18		<u>2010</u>	<u>2011</u>
12.19	<u>General</u>	<u>632,017,000</u>	<u>660,695,000</u>
12.20	<u>Health Care Access</u>	<u>2,157,000</u>	<u>2,157,000</u>
12.21	<u>Federal</u>	<u>57,663,000</u>	<u>0</u>

12.22 The amounts that may be spent for each  
12.23 purpose are specified in the following  
12.24 subdivisions.

12.25	<b>Subd. 2. Operations and Maintenance</b>	<u>559,469,000</u>	<u>588,147,000</u>
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12.26 This appropriation includes funding for  
12.27 operation and maintenance of the system.

12.28 The operations and maintenance base  
12.29 is \$572,580,000 in fiscal year 2012 and  
12.30 \$572,580,000 in fiscal year 2013.

12.31	Subd. 3. Primary Care Education Initiatives	2,157,000	2,157,000
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12.32 This appropriation is from the health care  
12.33 access fund.

13.1	<u>Subd. 4. American Recovery and Reinvestment</u>		
13.2	<u>Act of 2009</u>	<u>57,663,000</u>	<u>0</u>
13.3	<u>This appropriation is from the fiscal</u>		
13.4	<u>stabilization account in the federal fund.</u>		
13.5	<u>This appropriation must be allocated to</u>		
13.6	<u>mitigate the need to raise tuition and</u>		
13.7	<u>fees for Minnesota resident students. This</u>		
13.8	<u>appropriation may be used for modernization,</u>		
13.9	<u>renovation, or repair of facilities that are</u>		
13.10	<u>primarily used for instruction, research,</u>		
13.11	<u>or student housing but may not be used</u>		
13.12	<u>for maintenance of systems, equipment,</u>		
13.13	<u>or facilities. Amounts in this subdivision</u>		
13.14	<u>must not be allocated to modernization,</u>		
13.15	<u>renovation, or repair of stadiums or other</u>		
13.16	<u>facilities primarily used for athletic contests</u>		
13.17	<u>or exhibitions or other events for which</u>		
13.18	<u>admission is charged to the general public</u>		
13.19	<u>and must not be allocated to any facility</u>		
13.20	<u>used for sectarian instruction or religious</u>		
13.21	<u>worship or in which a substantial portion of</u>		
13.22	<u>the functions of the facilities are subsumed</u>		
13.23	<u>in a religious mission. No amount from this</u>		
13.24	<u>appropriation can be allocated to increase</u>		
13.25	<u>endowment funds.</u>		
13.26	<u>The Board of Regents must consult with the</u>		
13.27	<u>chairs of the legislative committees with</u>		
13.28	<u>jurisdiction over higher education finance</u>		
13.29	<u>and then submit a plan to the director of the</u>		
13.30	<u>Minnesota Office of Higher Education and</u>		
13.31	<u>the chairs of the legislative committees with</u>		
13.32	<u>jurisdiction over higher education finance by</u>		
13.33	<u>June 1, 2009. The plan must describe how</u>		
13.34	<u>the board will allocate the appropriations</u>		
13.35	<u>in this subdivision. The plan must describe</u>		
13.36	<u>the amounts that will be allocated to</u>		

14.1 scholarships, grants, or other types of tuition  
14.2 assistance for Minnesota resident students  
14.3 and the effect of the allocations on the  
14.4 amount of proposed tuition increases that  
14.5 are mitigated. The plan must also describe  
14.6 any amounts allocated to other education  
14.7 and general purposes, and how the amounts  
14.8 allocated to these purposes will mitigate the  
14.9 need to raise tuition for Minnesota resident  
14.10 students. The director must consult with the  
14.11 chairs of the legislative committees with  
14.12 jurisdiction over higher education finance  
14.13 prior to approving the plan submitted by the  
14.14 Board of Regents. The director may require  
14.15 the Board of Regents to modify the plan.  
14.16 The director must approve the plan by June  
14.17 15, 2009. The Board of Regents must not  
14.18 implement the plan until the director has  
14.19 approved the plan.  
  
14.20 An additional \$14,968,000 is appropriated  
14.21 from the fiscal stabilization account for fiscal  
14.22 year 2009 and must be allocated according to  
14.23 the requirements of this subdivision.  
14.24 Subd. 5. **Special Appropriations**  
  
14.25 (a) **Agriculture and Extension Service** 52,175,000 52,175,000  
  
14.26 (1) For the Agricultural Experiment Station  
14.27 and the Minnesota Extension Service. This  
14.28 appropriation includes \$1,500,000 each year  
14.29 to promote alternative livestock research  
14.30 and outreach, and for an ongoing organic  
14.31 research and education program according to  
14.32 clauses (2), (3), and (4).  
  
14.33 (2) This appropriation includes funding  
14.34 for research efforts that demonstrate a  
14.35 renewed emphasis on the needs of the state's

15.1 production agriculture community and a  
15.2 continued focus on renewable energy derived  
15.3 from Minnesota biomass resources including  
15.4 agronomic crops, plant and animal wastes,  
15.5 and native plants or trees, with priority for  
15.6 extending the Minnesota vegetable growing  
15.7 season; fertilizer and soil fertility research  
15.8 and development; treating and curing human  
15.9 diseases utilizing plant and livestock cells;  
15.10 using biofuel production coproducts as  
15.11 feed for livestock; and a rapid agricultural  
15.12 response fund for current or emerging  
15.13 animal, plant, and insect problems affecting  
15.14 production or food safety. In addition, the  
15.15 appropriation may be used to secure a facility  
15.16 and retain current faculty levels for poultry  
15.17 research currently conducted at UMore Park.

15.18 (3) In the area of renewable energy, priority  
15.19 should be given to projects pertaining to:  
15.20 biofuel and other energy production from  
15.21 small grains; alternative bioenergy crops and  
15.22 cropping systems; and growing, harvesting,  
15.23 and transporting biomass plant material.

15.24 (4) This appropriation includes funding for  
15.25 the college of food, agricultural, and natural  
15.26 resources sciences to establish and maintain  
15.27 a statewide organic research and education  
15.28 initiative to provide leadership for organic  
15.29 agronomic, horticultural, livestock, and food  
15.30 systems research, education, and outreach  
15.31 and for the purchase of state-of-the-art  
15.32 laboratory, planting, tilling, harvesting, and  
15.33 processing equipment necessary for this  
15.34 project.

16.1	<u>(5) By February 1, 2011, the Board of Regents</u>		
16.2	<u>must report to the legislative committees</u>		
16.3	<u>with responsibility for agriculture and</u>		
16.4	<u>higher education finance on the research and</u>		
16.5	<u>initiatives under clauses (2), (3), and (4).</u>		
16.6	<u>(b) Health Sciences</u>	<u>5,251,000</u>	<u>5,251,000</u>
16.7	<u>\$322,000 each year is to support up to 12</u>		
16.8	<u>resident physicians in the St. Cloud Hospital</u>		
16.9	<u>family practice residency program. The</u>		
16.10	<u>program must prepare doctors to practice</u>		
16.11	<u>primary care medicine in the rural areas of</u>		
16.12	<u>the state. The legislature intends this program</u>		
16.13	<u>to improve health care in rural communities,</u>		
16.14	<u>provide affordable access to appropriate</u>		
16.15	<u>medical care, and manage the treatment of</u>		
16.16	<u>patients in a more cost-effective manner.</u>		
16.17	<u>The remainder of this appropriation is for</u>		
16.18	<u>the rural physicians associates program, the</u>		
16.19	<u>Veterinary Diagnostic Laboratory, health</u>		
16.20	<u>sciences research, dental care, and the</u>		
16.21	<u>Biomedical Engineering Center.</u>		
16.22	<u>(c) Institute of Technology</u>	<u>1,387,000</u>	<u>1,387,000</u>
16.23	<u>For the Geological Survey and the talented</u>		
16.24	<u>youth mathematics program.</u>		
16.25	<u>(d) System Special</u>	<u>6,155,000</u>	<u>6,155,000</u>
16.26	<u>For general research, student loans matching</u>		
16.27	<u>money, industrial relations education, Natural</u>		
16.28	<u>Resources Research Institute, Center for</u>		
16.29	<u>Urban and Regional Affairs, Bell Museum of</u>		
16.30	<u>Natural History, and the Humphrey exhibit.</u>		
16.31	<u>Subd. 6. University of Minnesota and Mayo</u>		
16.32	<u>Foundation Partnership</u>	<u>7,500,000</u>	<u>7,500,000</u>
16.33	<u>For the direct and indirect expenses of the</u>		
16.34	<u>collaborative research partnership between</u>		



17.1 the University of Minnesota and the Mayo  
17.2 Foundation for research in biotechnology  
17.3 and medical genomics. An annual report  
17.4 on the expenditure of this appropriation  
17.5 must be submitted to the governor and the  
17.6 chairs and ranking minority members of  
17.7 the senate and house of representatives  
17.8 committees responsible for higher education  
17.9 and economic development by June 30 of  
17.10 each fiscal year.

17.11 If appropriations to the Board of Regents are  
17.12 reduced under Minnesota Statutes, section  
17.13 16A.152, all parties to the partnership and  
17.14 the chairs of the legislative committees with  
17.15 jurisdiction over higher education finance  
17.16 must be consulted before the Board of  
17.17 Regents reduces the amount spent under this  
17.18 subdivision during the biennium ending June  
17.19 30, 2011.

17.20	<u>Subd. 7. <b>Bovine Tuberculosis Research</b></u>	<u>80,000</u>	<u>80,000</u>
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17.21 Subd. 8. **Academic Health Center**

17.22 The appropriation for Academic Health  
17.23 Center funding under Minnesota Statutes,  
17.24 section 297F.10, is \$22,250,000 each year.

17.25 Subd. 9. **Human Cloning Prohibited**

17.26 (a) No appropriations under this section  
17.27 may be used to directly or indirectly support  
17.28 human cloning.

17.29 (b) For purposes of this subdivision, the  
17.30 following terms have the meanings given.

17.31 (1) "Human cloning" means human asexual  
17.32 reproduction accomplished by introducing  
17.33 nuclear material from one or more human  
17.34 somatic cells into a fertilized or unfertilized

18.1 oocyte whose nuclear material has been  
18.2 removed or inactivated so as to produce a  
18.3 living organism at any stage of development  
18.4 that is genetically virtually identical to  
18.5 an existing or previously existing human  
18.6 organism.

18.7 (2) "Somatic cell" means a diploid cell,  
18.8 having a complete set of chromosomes,  
18.9 obtained or derived from a living or deceased  
18.10 human body at any stage of development.

18.11 (c) Nothing in this subdivision shall restrict  
18.12 areas of scientific research not specifically  
18.13 prohibited by this section, including research  
18.14 in the use of nuclear transfer of other cloning  
18.15 techniques to produce molecules, DNA, cells  
18.16 other than human embryos, tissues, organs,  
18.17 plants, or animals other than humans.

18.18 **EFFECTIVE DATE.** Subdivision 4 is effective the day following final enactment.

18.19 Sec. 6. **MAYO MEDICAL FOUNDATION**

18.20	<u>Subdivision 1. <b>Total Appropriation</b></u>	<u>\$</u>	<u><b>1,209,000</b></u>	<u>\$</u>	<u><b>1,256,000</b></u>
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18.21 The amounts that may be spent for the  
18.22 purposes are specified in the following  
18.23 subdivisions.

18.24	<u>Subd. 2. <b>Medical School</b></u>		<u><b>595,000</b></u>		<u><b>618,000</b></u>
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18.25 The state of Minnesota must pay a capitation  
18.26 each year for each student who is a resident  
18.27 of Minnesota. The appropriation may be  
18.28 transferred between years of the biennium to  
18.29 accommodate enrollment fluctuations.

18.30 It is intended that during the biennium the  
18.31 Mayo Clinic use the capitation money to  
18.32 increase the number of doctors practicing in  
18.33 rural areas in need of doctors.



~~(b) By January 1, 2009, the board must adopt a policy setting the maximum number of semester credits required for a baccalaureate degree at 120 semester credits or the equivalent and the number of semester credits required for an associate degree at 60 semester credits or the equivalent. The board policy may provide for a process for granting waivers for specific degree programs in which industry or professional accreditation standards require a greater number of semester credits.~~

## ARTICLE 2

### RELATED HIGHER EDUCATION PROVISIONS

Section 1. Minnesota Statutes 2008, section 13.3215, is amended to read:

#### **13.3215 UNIVERSITY OF MINNESOTA DATA.**

Subdivision 1. Definitions. (a) For purposes of this section, the terms in this subdivision have the meanings given them.

(b) "Business data" is data described in section 13.591, subdivision 1, and includes the funded amount of the University of Minnesota's commitment to the investment to date, if any; the market value of the investment by the University of Minnesota; the University of Minnesota's internal rate of return for the investment, including expenditures and receipts used in the calculation of the investment's internal rate of return; and the age of the investment in years.

(c) "Financial, business, or proprietary data" means data, as determined by the responsible authority for the University of Minnesota, that are of a financial, business, or proprietary nature, the release of which could cause competitive harm to the University of Minnesota, the legal entity in which the University of Minnesota has invested or has considered an investment, the managing entity of an investment, or a portfolio company in which the legal entity holds an interest.

(d) "Investment" means the investments by the University of Minnesota in the following private capital:

(1) venture capital and other private equity investment businesses through participation in limited partnerships, trusts, limited liability corporations, limited liability companies, limited liability partnerships, and corporations;

(2) real estate ownership interests or loans secured by mortgages or deeds of trust or shares of real estate investment trusts through investment in limited partnerships; and

(3) natural resource investments through limited partnerships, trusts, limited liability corporations, limited liability companies, limited liability partnerships, and corporations.

**Subd. 2. Claims experience data.** Claims experience and all related information received from carriers and claims administrators participating in a University of Minnesota group health, dental, life, or disability insurance plan or the University of Minnesota workers' compensation program, and survey information collected from employees or students participating in these plans and programs, except when the university determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data ~~not on individuals pursuant to~~ under section 13.02, subdivision 9.

**Subd. 3. Private equity investment data.** (a) Financial, business, or proprietary data and business data collected, created, received, or maintained by the University of Minnesota in connection with investments are nonpublic data.

(b) The name of the general partners and the legal entity in which the University of Minnesota has invested; the amount of the University of Minnesota's initial commitment; and the portfolio performance of University of Minnesota investments overall, including the number of investments, the total amount of University of Minnesota commitments, the total current market value, and the return on the total investment portfolio, are public.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2008, section 124D.09, subdivision 9, is amended to read:

**Subd. 9. Enrollment priority.** A postsecondary institution shall give priority to its postsecondary students when enrolling 11th and 12th grade pupils in its courses. A postsecondary institution may provide information ~~about~~, including the potential financial and educational benefits of its programs, to a secondary school or to a pupil or parent, but it may not advertise or otherwise recruit or solicit the participation of secondary pupils to enroll in its programs based solely on financial grounds. An institution must not enroll secondary pupils, for postsecondary enrollment options purposes, in remedial, developmental, or other courses that are not college level. Once a pupil has been enrolled in a postsecondary course under this section, the pupil shall not be displaced by another student.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 3. **[127A.70] MINNESOTA P-20 EDUCATION PARTNERSHIP.**

Subdivision 1. **Establishment; membership.** A P-20 education partnership is established to create a seamless system of education that maximizes achievements of all students, from early childhood through elementary, secondary, and postsecondary education, while promoting the efficient use of financial and human resources. The partnership shall consist of major statewide educational groups or constituencies or noneducational statewide organizations with a stated interest in P-20 education. The initial membership of the partnership includes the members serving on the Minnesota P-16 Education Partnership and four legislators appointed as follows:

(1) one senator from the majority party and one senator from the minority party, appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration; and

(2) one member of the house of representatives appointed by the speaker of the house and one member appointed by the minority leader of the house of representatives.

Prospective members may be nominated by any partnership member and new members will be added with the approval of a two-thirds majority of the partnership. The partnership will also seek input from nonmember organizations whose expertise can help inform the partnership's work. The partnership shall select a chair from its membership.

Partnership members shall be represented by the chief executives, presidents, or other formally designated leaders of their respective organizations, or their designees. The partnership shall meet at least three times during each calendar year.

Subd. 2. **Powers and duties; report.** The partnership shall develop recommendations to the governor and the legislature designed to maximize the achievement of all P-20 students while promoting the efficient use of state resources, thereby helping the state realize the maximum value for its investment. In developing recommendations, the partnership is encouraged to research best practices, review state and national data, and seek input from the public and educational experts. These recommendations may include, but are not limited to, research-based strategies, policies, or other actions focused on:

(1) improving the quality of and access to education at all points from preschool through the graduate education;

(2) improving preparation for, and transitions to, postsecondary education and work; and

(3) ensuring educator quality by creating rigorous standards for teacher recruitment, teacher preparation, induction and mentoring of beginning teachers, and continuous professional development for career teachers.

23.1        By January 15 of each year, the partnership shall submit a report to the governor  
23.2        and to the chairs and ranking minority members of the legislative committees and  
23.3        divisions with jurisdiction over P-20 education policy and finance that summarizes the  
23.4        partnership's progress in meeting its goals and identifies the need for any draft legislation  
23.5        when necessary to further the goals of the partnership to maximize student achievement  
23.6        while promoting efficient use of resources. Until the partnership determines otherwise,  
23.7        the chair of the partnership shall provide the necessary staff support and meeting space  
23.8        for meetings of the partnership.

23.9        Members of the partnership may not receive any compensation or reimbursement for  
23.10       expenses for their service in the partnership.

23.11       Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, the partnership  
23.12       expires June 30, 2013.

23.13       Sec. 4. Minnesota Statutes 2008, section 135A.08, subdivision 1, is amended to read:

23.14       Subdivision 1. **Course equivalency.** The Board of Regents of the University of  
23.15       Minnesota and the Board of Trustees of the Minnesota State Colleges and Universities  
23.16       shall develop and maintain course equivalency guides for use between institutions that  
23.17       have a high frequency of transfer. The course equivalency guides must include information  
23.18       on the course equivalency and awarding of credit for learning acquired as a result of  
23.19       the successful completion of formal military courses and occupational training. Course  
23.20       equivalency guides shall are not be required for vocational technical programs that have  
23.21       not been divided into identifiable courses. The governing boards of private institutions  
23.22       that grant associate and baccalaureate degrees and that have a high frequency of transfer  
23.23       students are requested to participate in developing these guides.

23.24       Sec. 5. **[135A.157] NOTICE TO PROSPECTIVE STUDENTS.**

23.25       (a) A public or private postsecondary educational institution located in this state  
23.26       shall give the notice specified in this section to each person applying to be a student at  
23.27       the institution:

23.28       "NOTICE REGARDING POSSIBLE IMPACT OF CRIMINAL RECORDS

23.29       **If you have been arrested, charged, or convicted of any criminal offense, you**  
23.30       **should investigate the impact that the arrest, charge, or conviction may have on your**  
23.31       **chances of employment in the field you intend to study and on your chances to obtain**  
23.32       **federal, state, and other financial aid."**

23.33       (b) A public or private postsecondary educational institution is not liable for failing  
23.34       to provide the notice required by this section.

24.1 Sec. 6. Minnesota Statutes 2008, section 135A.17, subdivision 2, is amended to read:

24.2 Subd. 2. ~~Residential housing list~~ List of enrolled students. ~~All postsecondary~~  
24.3 ~~institutions that enroll students accepting state or federal financial aid may~~ (a) Institutions  
24.4 within the Minnesota State Colleges and Universities must prepare a current list of  
24.5 students enrolled in the institution and residing in the institution's housing or within  
24.6 ten miles of the institution's campus in Minnesota. The list ~~shall~~ must include each  
24.7 student's name and current address, unless the name or address is not designated as public  
24.8 data under section 13.32, subdivision 5. The list ~~shall~~ must be certified and sent to the  
24.9 ~~appropriate county auditor or auditors~~ secretary of state no earlier than 30 and no later than  
24.10 25 days before the November general election, in an electronic format specified by the  
24.11 secretary of state, for use in election day registration as provided under section 201.061,  
24.12 subdivision 3. The certification must be dated and signed by the chief officer or designee  
24.13 of the postsecondary educational institution, or for institutions within the Minnesota State  
24.14 Colleges and Universities, by the chancellor, and must state that the list is current and  
24.15 accurate and includes only the names of currently enrolled students residing in Minnesota  
24.16 as of the date of certification. The secretary of state must combine the data received from  
24.17 each postsecondary educational institution under this subdivision and must process the  
24.18 data to locate the precinct in which the address provided for each student is located. If the  
24.19 data submitted by the postsecondary educational institution is insufficient for the secretary  
24.20 of state to locate the proper precinct, the associated student name must not appear in any  
24.21 list forwarded to a county auditor under this subdivision.

24.22 At least 14 days before the November general election, the secretary of state  
24.23 must forward to the appropriate county auditor lists of students containing the students'  
24.24 names and addresses for which precinct determinations have been made along with their  
24.25 postsecondary educational institutions. The list must be sorted by precinct and student  
24.26 last name and must be forwarded in an electronic format specified by the secretary of  
24.27 state or other mutually agreed upon medium, if a written agreement specifying the  
24.28 medium is signed by the secretary of state and the county auditor at least 90 days before  
24.29 the November general election. A written agreement is effective for all elections until  
24.30 rescinded by either the secretary of state or the county auditor.

24.31 (b) Other postsecondary institutions may provide lists as provided by this subdivision  
24.32 or as provided by the rules of the secretary of state. The University of Minnesota is  
24.33 requested to comply with this subdivision.

24.34 (c) A residential housing list provided under this subdivision may not be used or  
24.35 disseminated by a county auditor or the secretary of state for any other purpose.



Sec. 7. Minnesota Statutes 2008, section 135A.25, subdivision 4, is amended to read:

Subd. 4. **Minnesota Office of Higher Education responsibilities.** (a) For private postsecondary institutions, the Minnesota Office of Higher Education must develop educational materials considering the recommendations by the Minnesota Office of Higher Education and others and at least annually convene and sponsor meetings and workshops and provide educational strategies for faculty, students, administrators, institutions, and bookstores to inform all interested parties on strategies for reducing the costs of course materials for students attending postsecondary institutions.

~~(b) The Minnesota Office of Higher Education must identify methods to compile and distribute information on publishers that sell or distribute course material for classroom use in postsecondary institutions in a manner that meets the requirements and complies with subdivision 2. The Minnesota Office of Higher Education must also evaluate ways to make this information available for use by students and faculty in postsecondary institutions.~~

Sec. 8. **[135A.61] HIGH SCHOOL-TO-COLLEGE DEVELOPMENTAL TRANSITION PROGRAMS.**

Subdivision 1. **High school-to-college developmental transition programs.** All public higher education systems and other higher education institutions in Minnesota are encouraged to offer research-based high school-to-college developmental transition programs to prepare students for college-level academic coursework. An entity that provides a program under this section must promote the program as part of its activities under section 136A.121, subdivision 20. A program under this section must, at a minimum, include instruction to develop the skills and abilities necessary to be ready for college-level academic coursework when the student enrolls in a degree, diploma, or certificate program and the skills identified as needing improvement by a college readiness assessment completed by the student. A program offered under this section must not constitute more than the equivalent of one semester of full-time study occurring in the summer following high school graduation. The courses completed in a program under this section must be identified on the student's transcript with a unique identifier to distinguish it from other developmental education classes or programs.

Subd. 2. **High school-to-college developmental transition programs evaluation report.** (a) Institutions that offer a high school-to-college developmental transition program and enroll students that receive a grant under section 136A.121, subdivision 9b, must annually submit a report to the director of the Minnesota Office of Higher Education that provides data and information about the program provided to students and the results for students.

(b) Institutions must specify both program and student outcome goals and the activities implemented to achieve the goals. The goals must be clearly stated and measurable. Institutions must collect, analyze, and report on program participation and outcome data that enable the director to verify the program has met the outcome goals established for the program.

(c) The report submitted to the director by an institution must include, at a minimum, the following information:

- (1) demographic information about the students;
- (2) names of the high schools from which the students graduated;
- (3) the placement test used to determine the student was not ready for college-level academic course work;
- (4) the curriculum content areas assessed and the scores received by the students;
- (5) a description of the services, including any supplemental noncredit academic support services, provided to students;
- (6) data on the registration load, courses completed, and grades received by students;
- (7) data on the placement test scores and course grades of students that participated in the programs compared to the placement test scores and course grades of nonparticipants;
- (8) the retention of students from the term they participated in the program to the fall term immediately following graduation from high school, including the number of credits for which they enrolled and the grades they received;
- (9) information about the student's enrollment in subsequent terms; and
- (10) other information specified by the director.

(d) The director must establish and convene a data working group to develop the necessary procedures, as well as a timeline, for the collection, analysis, and submission of data and information to the director. The data working group must develop data collection and analysis procedures that ensure consistency in the data collected by each institution and identify the types of program delivery procedures most successful with students that present a variety of academic and socioeconomic characteristics. The data group must include representatives of all sectors of higher education in the state that offer a program under this section and have expertise in data collection processes and the delivery of academic programs to students. The data group must assist the director in the preparation of the report synthesizing information from each institutional report.

**Subd. 3. Report to legislature.** By January 15 of each year, the director shall submit a report to the committees of the legislature with jurisdiction over higher education finance and policy regarding the academic performance of students who participated in the transition programs compared to the performance of students who did not participate in

27.1 the program. The report submitted to the legislature must incorporate information from  
27.2 the reports submitted by the institutions participating in the program.

27.3 Sec. 9. Minnesota Statutes 2008, section 136A.08, subdivision 1, is amended to read:

27.4 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms  
27.5 have the meanings given them.

27.6 (b) "Province" and "provincial" mean the Canadian province of Manitoba.

27.7 (c) "Resident of this state" means a resident student as defined in section 136A.101,  
27.8 subdivision 8.

27.9 Sec. 10. Minnesota Statutes 2008, section 136A.08, is amended by adding a  
27.10 subdivision to read:

27.11 Subd. 9. **Appeal; resident status.** A student who does not meet the definition of  
27.12 resident after residing in Minnesota for 12 months may appeal to the director by providing  
27.13 documentation on the student's reasons for residing in Minnesota. The director may  
27.14 grant resident status for the purpose of this section to the student upon determining the  
27.15 documentation establishes that postsecondary education was not the student's principal  
27.16 reason for residing in Minnesota.

27.17 Sec. 11. Minnesota Statutes 2008, section 136A.101, subdivision 5a, is amended to  
27.18 read:

27.19 Subd. 5a. **Assigned family responsibility.** "Assigned family responsibility" means  
27.20 the amount of a family's contribution to a student's cost of attendance, as determined by a  
27.21 federal need analysis. For dependent students, the assigned family responsibility is ~~96~~93  
27.22 percent of the parental contribution. For independent students with dependents other than  
27.23 a spouse, the assigned family responsibility is ~~86~~83 percent of the student contribution.  
27.24 For independent students without dependents other than a spouse, the assigned family  
27.25 responsibility is ~~68~~65 percent of the student contribution.

27.26 Sec. 12. Minnesota Statutes 2008, section 136A.121, is amended by adding a  
27.27 subdivision to read:

27.28 Subd. 5a. **Minnesota promise.** (a) The stipend for an applicant who has an income  
27.29 used to determine eligibility that is less than 185 percent of the federal poverty guidelines,  
27.30 adjusted for family size, is the greater of:

27.31 (1) the stipend calculated under subdivision 5 plus the applicant's Pell grant; or

(2) an amount equal to the tuition and required fees under subdivision 6 at a Minnesota public two-year community college or consolidated community and technical college.

(b) The stipend under this subdivision is the Minnesota promise. The Minnesota Office of Higher Education must prepare and distribute materials under section 136A.87 to promote the Minnesota promise and the benefits of higher education for all students and particularly for students from low-income families.

Sec. 13. Minnesota Statutes 2008, section 136A.121, is amended by adding a subdivision to read:

**Subd. 9b. Onetime grant for high school-to-college developmental transition program.** (a) A student who enrolls in a program under section 135A.61 is eligible for a onetime grant to help pay expenses to attend the program. The amount of the grant must be determined according to subdivision 5, except as modified by paragraph (b). The requirement in subdivision 9a that subtracts a federal Pell Grant award for which a student would be eligible, even if the student has exhausted the federal Pell Grant award, does not apply to a student who receives a grant under this subdivision in the award year in which the grant is received. The maximum grant under this subdivision must be reduced by the average amount a student would earn working in an on-campus work-study position for ten hours per week during a summer term. The office must determine an amount for student earnings in a summer term, using available data about earnings, before determining the amount awarded under this subdivision.

(b) If an applicant's income used to determine eligibility is less than 185 percent of the federal poverty guideline, adjusted for family size, the maximum amount of the grant is the cost of attendance under subdivision 6.

(c) A grant under this subdivision is in addition to grants for the eight semesters or equivalent under subdivision 9. A grant under this subdivision must not be awarded for the same term for which another grant is awarded under this section.

**EFFECTIVE DATE.** This section is effective for students who graduate from high school after December 31, 2009.

Sec. 14. Minnesota Statutes 2008, section 136A.121, is amended by adding a subdivision to read:

**Subd. 20. Institutional partnership with high schools.** An eligible institution in Minnesota that enrolls a student who receives a grant under this section must develop a partnership to promote academic preparation and college attendance with at least two high

29.1 schools that have not made adequate yearly progress in reading and math in the most  
29.2 recent year. The Minnesota Office of Higher Education must maintain a current list of  
29.3 high schools in the state that have not made adequate yearly progress in reading and  
29.4 math in the most recent year and are eligible to be considered a partner school under this  
29.5 subdivision. The partnership must include:

29.6 (1) making available to students, at low cost or no cost, a college readiness  
29.7 assessment that meets recognized standards;

29.8 (2) assisting students and families in completing the Free Application for Federal  
29.9 Student Aid (FAFSA); and

29.10 (3) visiting a college campus.

29.11 Sec. 15. Minnesota Statutes 2008, section 136A.127, subdivision 2, is amended to read:

29.12 Subd. 2. **Definition; qualifying program.** For the purposes of this section, a  
29.13 "qualifying program" means a rigorous secondary school program of study defined by  
29.14 the Department of Education under agreement with the Secretary of Education for the  
29.15 purposes of determining eligibility for the federal Academic Competitiveness Grant  
29.16 Program under Title IV of the Higher Education Act of 1965, as amended. If a qualifying  
29.17 program includes a foreign language requirement, the foreign language requirement is  
29.18 waived for a student whose first language is not English and who attains English language  
29.19 proficiency.

29.20 **EFFECTIVE DATE.** This section is effective the day following final enactment  
29.21 and applies to students who graduate on or after January 1, 2009.

29.22 Sec. 16. Minnesota Statutes 2008, section 136A.127, subdivision 4, is amended to read:

29.23 Subd. 4. **Student eligibility.** To be eligible to receive a scholarship under this  
29.24 section, in addition to the requirements listed under section 136A.121, a student must:

29.25 (1) submit a Free Application for Federal Student Aid (FAFSA);

29.26 ~~(2) take and receive at least a grade of C for courses that comprise a rigorous~~  
29.27 ~~secondary school~~ complete a qualifying program of study in a high school or in a  
29.28 home-school setting under section 120A.22, ~~and~~ graduate from a Minnesota high school,  
29.29 and graduate with an unweighted 2.5 grade point average or higher;

29.30 (3) have a family adjusted gross income of less than ~~\$75,000 in the last complete~~  
29.31 ~~calendar year prior to the academic year of postsecondary attendance in which the~~  
29.32 ~~scholarship is used~~ 185 percent of the federal poverty guidelines, adjusted for family  
29.33 size as reported in the federal need analysis. The Office of Higher Education or the  
29.34 postsecondary institution may request documentation to confirm income eligibility;

(4) be a United States citizen or eligible noncitizen, as defined in section 484 of the Higher Education Act, United States Code, title 20, sections 1091 et seq., as amended, and Code of Federal Regulations, title 34, section 668.33;

(5) be a Minnesota resident, as defined in section 136A.101, subdivision 8; and

(6) ~~be enrolled for at least three credits per quarter or semester or the equivalent~~ enroll full-time in a degree, diploma, or certificate program in the fall term immediately following high school graduation at an eligible institution as defined under section 136A.101, subdivision 4.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to students who graduate on or after January 1, 2009.

Sec. 17. Minnesota Statutes 2008, section 136A.127, subdivision 9, is amended to read:

Subd. 9. **Scholarship awards.** ~~A student may not receive more than \$1,200 in Minnesota achieve scholarships, which must be for enrollment during the four-year availability period described in subdivision 12. The maximum amount of the scholarship is the amount remaining after deducting from the total amount of qualifying expenses under subdivision 10 all amounts of federal, state, private, and institutional grants and gift aid from any source and the amount under subdivision 10a. The scholarships scholarship~~ may be used to pay for qualifying expenses at eligible institutions.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to students who graduate on or after January 1, 2009.

Sec. 18. Minnesota Statutes 2008, section 136A.127, subdivision 10, is amended to read:

Subd. 10. **Qualifying expenses.** Qualifying expenses are components included under the cost of attendance used for federal student financial aid programs, as defined in ~~section 472 of the Higher Education Act, United States Code, title 20, sections 1091-1087ll~~ et seq., as amended for the institution the student attends. The maximum qualifying expenses under this subdivision is the average total qualifying expenses at the four-year institutions of the Minnesota State Colleges and Universities.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to students who graduate on or after January 1, 2009.

Sec. 19. Minnesota Statutes 2008, section 136A.127, is amended by adding a subdivision to read:

31.1           Subd. 10a. **Student investment.** A student investment is required in an amount  
31.2 equal to the average amount a student would earn working in an on-campus work-study  
31.3 position for ten hours per week during a term. The office must determine an amount under  
31.4 this subdivision, using available data about earnings, before determining the amount  
31.5 awarded under subdivision 9.

31.6           **EFFECTIVE DATE.** This section is effective the day following final enactment  
31.7 and applies to students who graduate on or after January 1, 2009.

31.8           Sec. 20. Minnesota Statutes 2008, section 136A.127, subdivision 12, is amended to  
31.9 read:

31.10           Subd. 12. **Availability of scholarship funds.** ~~A scholarship earned by a student~~  
31.11 ~~is available for four years immediately following high school graduation. The office~~  
31.12 ~~must certify to the commissioner of finance by October 1 of each year the amounts to~~  
31.13 ~~be canceled from scholarship eligibility that have expired. Once a student has been~~  
31.14 awarded a scholarship under this section, the scholarship may be renewed for up to three  
31.15 consecutive award years of continuous full-time enrollment in a degree, diploma, or  
31.16 certificate program at an eligible institution. The student must make satisfactory academic  
31.17 progress and have at least a cumulative 3.0 grade point average on a 4.0 scale for the first  
31.18 and subsequent award years of study to continue receiving a scholarship.

31.19           **EFFECTIVE DATE.** This section is effective the day following final enactment  
31.20 and applies to students who graduate on or after January 1, 2009.

31.21           Sec. 21. Minnesota Statutes 2008, section 136A.127, subdivision 14, is amended to  
31.22 read:

31.23           Subd. 14. **Evaluation report.** By January 15 of each ~~odd-numbered~~ year, the  
31.24 Office of Higher Education shall submit a report, to the committees of the legislature with  
31.25 jurisdiction over higher education finance and policy, regarding the ~~success of the~~ program  
31.26 ~~in increasing the enrollment of students in rigorous high school courses, including, at a~~  
31.27 minimum, the following information:

31.28           (1) the demographics of individuals participating in the program;

31.29           ~~(2) the grades scholarship recipients received for courses in the qualifying program~~  
31.30 ~~under subdivision 2;~~

31.31           ~~(3)~~ (2) the number of scholarship recipients who persisted at a postsecondary  
31.32 institution for a second year;

31.33           ~~(4)~~ (3) the high schools attended by the program participants;

32.1           ~~(5)~~ (4) the postsecondary institutions attended by the program participants;  
32.2           ~~(6)~~ (5) the academic performance of the students after enrolling in a postsecondary  
32.3 institution; and  
32.4           ~~(7)~~ (6) other information as ~~identified~~ determined by the director.

32.5           Sec. 22. Minnesota Statutes 2008, section 136A.1701, subdivision 10, is amended to  
32.6 read:

32.7           Subd. 10. **Prohibition on use of state money.** Except as provided in section  
32.8 136A.1787, subdivision 1, no money originating from state sources in the state treasury  
32.9 shall be made available for student loans under this section and all student loans shall be  
32.10 made from money originating from nonstate sources.

32.11           Sec. 23. **[136A.1787] ANNUAL CERTIFICATE OF MINIMUM NEEDED FOR**  
32.12 **BUDGET.**

32.13           Subdivision 1. **Certification to governor.** In order to ensure the payment of the  
32.14 principal of and interest on bonds and notes of the office and the continued maintenance of  
32.15 the loan capital fund under section 136A.1785, the office shall annually determine and  
32.16 certify to the governor, on or before December 1:

32.17           (1) the amount, if any, then needed to restore the loan capital fund to the minimum  
32.18 amount required by a resolution or indenture relating to any bonds or notes of the office,  
32.19 not exceeding the maximum amount of principal and interest to become due and payable  
32.20 in any subsequent year on all bonds or notes which are then outstanding;

32.21           (2) the amount, if any, determined by the office to be needed in the then immediately  
32.22 ensuing fiscal year, with other money pledged and estimated to be received during that  
32.23 year, for the payment of the principal and interest due and payable in that year on all then  
32.24 outstanding bonds and notes; and

32.25           (3) the amount, if any, then needed to restore any debt service fund securing any  
32.26 outstanding bonds or notes of the office to the amount required in a resolution or indenture  
32.27 relating to such outstanding bonds or notes.

32.28           Subd. 2. **Governor's budget.** The governor shall include and submit the amounts  
32.29 certified by the office in accordance with this section to the legislature in the governor's  
32.30 budget for the following fiscal year, or in a supplemental budget if the regular budget for  
32.31 that year has previously been approved.



Sec. 24. Minnesota Statutes 2008, section 136A.87, is amended to read:

**136A.87 PLANNING INFORMATION FOR POSTSECONDARY EDUCATION.**

The office shall make available to all residents ~~from 8th~~ beginning in 7th grade through adulthood information about planning and preparing for postsecondary opportunities. Information must be provided to all ~~8th~~ 7th grade students and their parents annually by January 1 of each year ~~September 30~~ about ~~the need to plan~~ planning for their postsecondary education. The office may also provide information to high school students and their parents, to adults, and to out-of-school youth. The information provided may include the following:

- (1) the need to start planning early;
- (2) the availability of assistance in educational planning from educational institutions and other organizations;
- (3) suggestions for studying effectively during high school;
- (4) high school courses necessary to be adequately prepared for postsecondary education;
- (5) encouragement to involve parents actively in planning for all phases of education;
- (6) information about ~~post-high school~~ postsecondary education and training opportunities existing in the state, their respective missions and expectations for students, their preparation requirements, admission requirements, and student placement;
- (7) ways to evaluate and select postsecondary institutions;
- (8) the process of transferring credits among Minnesota postsecondary institutions and systems;
- (9) the costs of postsecondary education and the availability of financial assistance in meeting these costs, including specific information about the Minnesota promise and achieve scholarship program;
- (10) the interrelationship of assistance from student financial aid, public assistance, and job training programs; and
- (11) financial planning for postsecondary education ~~beyond high school~~.

Sec. 25. Minnesota Statutes 2008, section 136F.02, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The board consists of 15 members appointed by the governor, including three members who are students who have attended an institution for at least one year and are currently enrolled at least half time in a degree, diploma, or certificate program in an institution governed by the board. The student members shall include one member from a community college, one member from a state university, and

one member from a technical college. One member representing labor must be appointed after considering the recommendations made under section 136F.045. The governor is not bound by the recommendations. Appointments to the board are with the advice and consent of the senate. At least one member of the board must be a resident of each congressional district. All other members must be appointed to represent the state at large. In selecting appointees, the governor must consider the needs of the board of trustees and the balance of the board membership with respect to labor and business representation and racial, gender, geographic, and ethnic composition.

A commissioner of a state agency may not serve as a member of the board.

**EFFECTIVE DATE.** This section is effective the day following final enactment, except that a commissioner serving on the board of trustees on the effective date may continue to serve for the remainder of a current term of appointment to the board.

Sec. 26. Minnesota Statutes 2008, section 136F.03, subdivision 4, is amended to read:

Subd. 4. **Recommendations.** Except for seats filled under sections 136F.04 and 136F.045, the advisory council shall recommend at least two and not more than four candidates for each seat. By April 15 of each even-numbered year in which the governor makes appointments to the board, the advisory council shall submit its recommendations to the governor and to the chairs and ranking minority members of the legislative committees with primary jurisdiction over higher education policy and finance. The governor is not bound by these recommendations.

Sec. 27. Minnesota Statutes 2008, section 136F.04, subdivision 4, is amended to read:

Subd. 4. **Recommendations.** Each student association shall recommend at least two and not more than four candidates for its student member. By April 15 of the year in which its members' term expires, each student association shall submit its recommendations to the governor and to the chairs and ranking minority members of the legislative committees with primary jurisdiction over higher education policy and finance. The governor is not bound by these recommendations.

Sec. 28. Minnesota Statutes 2008, section 136F.045, is amended to read:

**136F.045 LABOR ORGANIZATION BOARD MEMBER SELECTION  
PROCESS.**

The Minnesota AFL-CIO shall recruit and screen qualified labor candidates to be recommended to the governor for appointment to the board. The organization must

35.1 develop a process for selecting candidates, and a statement of selection criteria for board  
35.2 membership that is consistent with the requirements under section 136F.02, subdivision 1.  
35.3 The organization must recommend at least two and no more than four candidates to the  
35.4 governor beginning in 2010 and every six years thereafter. Recommendations must be  
35.5 made to the governor and to the chairs and ranking minority members of the legislative  
35.6 committees with primary jurisdiction over higher education policy and finance by April 15  
35.7 of the year in which the governor makes appointments to the board. The governor is not  
35.8 bound by the recommendations.

35.9 Sec. 29. Minnesota Statutes 2008, section 136F.19, subdivision 1, is amended to read:

35.10 Subdivision 1. **Establishment.** The board ~~shall~~ may establish and operate through  
35.11 each campus a power of you program at Metropolitan State University, Minneapolis  
35.12 Community and Technical College, and St. Paul College. The program shall, to the  
35.13 extent of available funding, make grants to eligible students. Each campus shall develop  
35.14 partnerships with high schools and school districts as part of the program. The board may  
35.15 accept and expend private funding for the program.

35.16 Sec. 30. Minnesota Statutes 2008, section 136F.31, is amended to read:

35.17 **136F.31 CENTERS OF EXCELLENCE.**

35.18 Subdivision 1. **Board designation.** The board ~~must~~ may designate ~~at least three and~~  
35.19 up to eight different program centers of excellence. The board must determine the form  
35.20 and required information contained in applications from member institutions.

35.21 Subd. 2. **Center selection criteria.** The board must select programs based on  
35.22 institutional proposals demonstrating:

35.23 (1) the capacity to build multistate regional or national recognition of the program  
35.24 within five years;

35.25 (2) a commitment to expanding the influence of the center to improve results in  
35.26 related programs in participating institutions;

35.27 (3) the capacity to improve employment placement and income expectations of  
35.28 graduates from the program;

35.29 (4) a strong partnership between a four-year and at least one two-year institution that  
35.30 maximizes the leverage of academic and training capacities in each institution;

35.31 (5) a comprehensive academic plan that includes a seamless continuum of academic  
35.32 offerings in the program area that supports career development at multiple levels in related  
35.33 employment fields;

(6) a specific development plan that includes a description of how the institution will pursue continuous improvement and accountability;

(7) ~~identified~~ commitments from employers that include measurable financial and programmatic commitment to the center of excellence on the part of employers who will benefit from the development of the center. A center for teacher education must demonstrate support from local school districts;

(8) a commitment from the institution that the new designated funding will not supplant current budgets from related programs;

(9) a strong existing program upon which the proposed center will build; and

(10) a separate fund for donations dedicated for the program within current institutional foundations.

The board may adopt additional criteria that promote general goals of the centers. The board shall give priority to programs that integrate the academic and training outcomes of the center with business clusters that have a significant multiplier effect on the state's economy based on projections of job, income, or general economic growth. The board shall consult with the Department of Employment and Economic Development to identify these clusters and the potential economic impact of developing a center for excellence.

Subd. 3. **Advisory committee and reports required.** A center of excellence must create an advisory committee representing local, statewide, and national leaders in the field. By January 15 of each ~~odd-numbered~~ year, each designated center must provide a report to the governor and the chairs of committees of the legislature with jurisdiction over higher education finance, that includes annual and integrated data on program enrollment, student demographics, student admission data, endowment growth, graduation rates, graduation outcomes, employer involvement, indicators of student or graduate employment success, and other outcomes as determined by the board. After a center has been in existence for three years, the report must include measures of the program's impact on the local economy.

**Sec. 31. [136F.37] JOB PLACEMENT IMPACT ON PROGRAM REVIEW; INFORMATION TO STUDENTS.**

The board must assess labor market data when conducting college program reviews. The board must require a college to enroll no more than the approximate number of students in a technical or occupational program that the labor market data indicates have a reasonable likelihood of obtaining a job in the program field of study. A college must provide prospective students with the job placement rate for graduates of technical and occupational programs offered at a college.

Sec. 32. Minnesota Statutes 2008, section 137.0245, subdivision 2, is amended to read:

Subd. 2. **Membership.** The Regent Candidate Advisory Council shall consist of 24 members. Twelve members shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate. Twelve members shall be appointed by the speaker of the house. Each appointing authority must appoint one member who is a student enrolled in a degree program at the University of Minnesota at the time of appointment. No more than one-third of the members appointed by each appointing authority may be current or former legislators. No more than two-thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of any member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 shall govern the advisory council, except that:

(1) the members shall be appointed to six-year terms with one-third appointed each even-numbered year; and

(2) student members are appointed to two-year terms with two students appointed each even-numbered year.

A member may not serve more than two full terms.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to members serving on the council on that date, although those members may serve out the remainder of their current terms.

Sec. 33. Minnesota Statutes 2008, section 137.0246, subdivision 2, is amended to read:

Subd. 2. **Regent nomination joint committee.** (a) The joint legislative committee consists of the members of the higher education budget and policy divisions in each house of the legislature. The chairs of the divisions from each body shall be cochairs of the joint legislative committee. A majority of the members from each house is a quorum of the joint committee.

(b) By February 28 of each odd-numbered year, or at a date agreed to by concurrent resolution, the joint legislative committee shall meet to consider the advisory council's recommendations for regent of the University of Minnesota for possible presentation to a joint convention of the legislature.

(c) The joint committee may recommend to the joint convention candidates recommended by the advisory council and the other candidates nominated by the joint committee. A candidate other than those recommended by the advisory council may be nominated for consideration by the joint committee only if the nomination receives the support of at least three house of representatives members of the committee and two

senate members of the committee. A candidate must receive a majority vote of members from the house of representatives and from the senate on the joint committee to be recommended to the joint convention. The joint committee may recommend no more than one candidate for each vacancy. In recommending nominees, the joint committee must consider the needs of the board of regents and the balance of the board membership with respect to gender, racial, and ethnic composition.

~~(d) The joint committee must meet twice, approximately one week apart. The first meeting is for the purpose of interviewing candidates and recommending candidates for the joint committee to consider. The second meeting is for the purpose of voting for candidates for recommendation to the joint convention.~~

Sec. 34. Minnesota Statutes 2008, section 137.025, subdivision 1, is amended to read:

Subdivision 1. **Appropriations not for buildings.** The commissioner of finance shall pay ~~no money to the University of Minnesota pursuant to a direct appropriation, other than an appropriation for buildings, until the university first certifies to the commissioner of finance that its aggregate balances in the temporary investment pool, cash, or separate investments, resulting from all state maintenance and special appropriations do not exceed \$7,000,000, or any other amount specified in the act making the appropriation, plus one-third of all tuition and fee payments from the previous fiscal year. Upon this certification, 1/12 of the annual appropriation to the university shall be paid at the beginning~~ University of Minnesota on the 21st day of each month. ~~Additional payments shall be made by the commissioner of finance whenever the state appropriations and tuition aggregate balances in the temporary investment pool, cash, or separate investments are reduced below the indicated levels. If the 21st day of the month falls on a Saturday or Sunday, the monthly payment must be made on the first business day immediately following the 21st day of the month.~~

Sec. 35. Minnesota Statutes 2008, section 201.061, subdivision 3, is amended to read:

Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) presenting any document approved by the secretary of state as proper identification;

(3) presenting one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 ~~and certified to the county auditor~~ or in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application.

(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

(c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence

licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(d) For tribal band members, an individual may prove residence for purposes of registering by:

(1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or

(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

(e) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Sec. 36. Minnesota Statutes 2008, section 299A.45, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** A person is eligible to receive educational benefits under this section if the person:

(1) is certified under section 299A.44 and in compliance with this section and rules of the commissioner of public safety and the Minnesota Office of Higher Education;

(2) is enrolled in an undergraduate degree or certificate program after June 30, 1990, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4, or at a public postsecondary institution in another state that is subject to a reciprocity agreement executed under section 136A.08;

(3) has not received a baccalaureate degree or been enrolled full time for ten semesters or the equivalent, except that a student who withdraws from enrollment for active military service is entitled to an additional semester or the equivalent of eligibility; and

(4) is related in one of the following ways to a public safety officer killed in the line of duty on or after January 1, 1973:

(i) as a dependent child less than 23 years of age;

(ii) as a surviving spouse; or



(iii) as a dependent child less than 30 years of age who has served on active military duty 181 consecutive days or more and has been honorably discharged or released to the dependent child's reserve or National Guard unit.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively to July 1, 2008.

Sec. 37. **SYSTEM IMPROVEMENTS; MINNESOTA STATE COLLEGES AND UNIVERSITIES.**

The Board of Trustees of the Minnesota State Colleges and Universities is encouraged to place a priority on identifying and implementing measures to improve the human resources system used by the Minnesota State Colleges and Universities. One of the goals of improving the human resources system is to provide seamless information on faculty and employees to facilitate transfers between institutions.

Sec. 38. **IMPLEMENTATION OF TEXTBOOK INFORMATION REQUIREMENTS.**

The Minnesota Office of Higher Education must report to the committees of the legislature responsible for higher education finance by January 15, 2010, on the implementation of textbook information requirements under United States Code, title 20, section 1015b, effective July 1, 2010. In preparing the report, the office must work with representatives of textbook publishers, the Student Advisory Council, Minnesota State Colleges and Universities, the University of Minnesota, and the Private College Council. At a minimum, the report must include a template that publishers may use to provide the required information in a consistent format to all Minnesota campuses, and make recommendations for methods to disseminate pricing information to support students and faculty in making well informed decisions about course materials.

Sec. 39. **ACHIEVE SCHOLARSHIP FOR STUDENTS ELIGIBLE PRIOR TO JANUARY 1, 2008.**

A student who met the eligibility requirements for the achieve scholarship program that existed prior to January 1, 2009, and who meets the requirements of Minnesota Statutes, section 136A.127, that are effective for students who graduate on or after January 1, 2009, may receive a scholarship award under Minnesota Statutes, section 136A.127, for an additional three consecutive award years of continuous college enrollment.

A student who met the requirements to receive an achieve scholarship prior to January 1, 2009, but did not receive the scholarship award and does not meet the eligibility

requirements on or after January 1, 2009, may be awarded a onetime scholarship of \$1,200. This section expires on December 31, 2012.

Sec. 40. **TEACHER EDUCATION REPORT.**

The Minnesota Office of Higher Education and Minnesota Department of Education must report on best practices in innovative teacher education programs and teacher education research. The report must include, at a minimum, information on:

(1) teacher education preparation program curricula that will prepare prospective teachers to teach an increasingly diverse student population;

(2) opportunities for mid-career professionals employed in professions in which there is a shortage of teachers to pursue a teaching career; and

(3) enhancing the ability of teachers to use technology in the classroom.

The report must be submitted by June 15, 2010.

Sec. 41. **ORGANIZATIONAL DEADLINES FOR P-20 PARTNERSHIP.**

The appointing authorities under Minnesota Statutes, section 127A.70, shall complete their appointments no later than September 1, 2009. The chairs of the P-16 partnership shall convene the first meeting of the P-20 partnership no later than October 1, 2009.

Sec. 42. **REPEALER.**

Minnesota Statutes 2008, section 136A.127, subdivisions 8 and 13, are repealed.

**ARTICLE 3**

**ORAL HEALTH CARE PRACTITIONERS**

Section 1. Minnesota Statutes 2008, section 150A.01, is amended by adding a subdivision to read:

Subd. 6b. **Oral health practitioner.** "Oral health practitioner" means a person licensed under this chapter to perform the services authorized under section 150A.105 or any other services authorized under this chapter.

Sec. 2. Minnesota Statutes 2008, section 150A.01, is amended by adding a subdivision to read:

Subd. 6c. **Dental therapist.** "Dental therapist" means a person licensed under this chapter to perform the services authorized under section 150A.106 or any other services authorized under this chapter.

Sec. 3. Minnesota Statutes 2008, section 150A.05, is amended by adding a subdivision to read:

**Subd. 1b. Practice of oral health practitioners.** A person shall be deemed to be practicing as an oral health practitioner within the meaning of this chapter who:

(1) works under the supervision of a Minnesota-licensed dentist under a collaborative management agreement as specified under section 150A.105;

(2) practices in settings that serve low-income, uninsured, and underserved patients or are located in dental health professional shortage areas; and

(3) provides oral health care services, including preventive, primary diagnostic, educational, palliative, therapeutic, and restorative services as authorized under section 150A.105 and within the context of a collaborative management agreement.

Sec. 4. Minnesota Statutes 2008, section 150A.05, is amended by adding a subdivision to read:

**Subd. 1c. Practice of dental therapy.** A person shall be deemed to be practicing dental therapy within the meaning of sections 150A.01 to 150A.12 who:

(1) works under the supervision of a Minnesota-licensed dentist as specified under section 150A.106;

(2) practices in settings that serve low-income and underserved patients or are located in dental health professional shortage areas; and

(3) provides oral health care services, including preventive, evaluative, and educational services as authorized under section 150A.106 and within the context of a collaborative management agreement.

Sec. 5. Minnesota Statutes 2008, section 150A.05, subdivision 2, is amended to read:

**Subd. 2. Exemptions and exceptions of certain practices and operations.**

Sections 150A.01 to 150A.12 do not apply to:

(1) the practice of dentistry or dental hygiene in any branch of the armed services of the United States, the United States Public Health Service, or the United States Veterans Administration;

(2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate dental students, oral health practitioner students, dental therapy students, dental hygiene students, and dental assisting students of the University of Minnesota, schools of dental hygiene, schools with an oral health practitioner education program accredited under section 150A.06, schools with a dental therapy education program, or schools of dental assisting approved by the board, when acting under the direction and supervision of a

licensed dentist, a licensed oral health practitioner, a licensed dental therapist, or a licensed dental hygienist acting as an instructor;

(3) the practice of dentistry by licensed dentists of other states or countries while appearing as clinicians under the auspices of a duly approved dental school or college, or a reputable dental society, or a reputable dental study club composed of dentists;

(4) the actions of persons while they are taking examinations for licensure or registration administered or approved by the board pursuant to sections 150A.03, subdivision 1, and 150A.06, subdivisions 1, 2, and 2a;

(5) the practice of dentistry by dentists and dental hygienists licensed by other states during their functioning as examiners responsible for conducting licensure or registration examinations administered by regional and national testing agencies with whom the board is authorized to affiliate and participate under section 150A.03, subdivision 1, and the practice of dentistry by the regional and national testing agencies during their administering examinations pursuant to section 150A.03, subdivision 1;

(6) the use of X-rays or other diagnostic imaging modalities for making radiographs or other similar records in a hospital under the supervision of a physician or dentist or by a person who is credentialed to use diagnostic imaging modalities or X-ray machines for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing agency other than the Board of Dentistry; or

(7) the service, other than service performed directly upon the person of a patient, of constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic, or other dental appliance, when performed according to a written work order from a licensed dentist or a licensed oral health practitioner in accordance with section 150A.10, subdivision 3.

Sec. 6. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision to read:

Subd. 1d. **Oral health practitioners.** A person of good moral character who has graduated with a baccalaureate degree or a master's degree from an oral health practitioner education program that has been approved by the board or accredited by the American Dental Association Commission on Dental Accreditation or another board-approved national accreditation organization may apply for licensure.

The applicant must submit an application and fee as prescribed by the board and a diploma or certificate from an oral health practitioner education program. Prior to being licensed, the applicant must pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing

oral health practitioner education. The applicant must also pass an examination testing the applicant's knowledge of the Minnesota laws and rules relating to the practice of dentistry. An applicant who has failed the clinical examination twice is ineligible to retake the clinical examination until further education and training are obtained as specified by the board. A separate, nonrefundable fee may be charged for each time a person applies. An applicant who passes the examination in compliance with subdivision 2b, abides by professional ethical conduct requirements, and meets all the other requirements of the board shall be licensed as an oral health practitioner.

Sec. 7. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision to read:

Subd. 1e. **Dental therapists.** A person of good moral character who has graduated from a dental therapy education program in a dental school or dental college accredited by the American Dental Association Commission on Dental Accreditation may apply for licensure.

The applicant must submit an application and fee as prescribed by the board and a diploma or certificate from a dental therapy education program. Prior to being licensed, the applicant must pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing dental therapy education. The applicant must also pass an examination testing the applicant's knowledge of the laws of Minnesota relating to the practice of dentistry and of the rules of the board. An applicant is ineligible to retake the clinical examination required by the board after failing it twice until further education and training are obtained as specified by board rule. A separate, nonrefundable fee may be charged for each time a person applies. An applicant who passes the examination in compliance with subdivision 2b, abides by professional ethical conduct requirements, and meets all the other requirements of the board shall be licensed as a dental therapist.

Sec. 8. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision to read:

Subd. 1f. **Resident dental providers.** A person who is a graduate of an undergraduate program and is an enrolled graduate student of an advanced dental education program shall obtain from the board a license to practice as a resident dental hygienist or oral health practitioner. The license must be designated "resident dental provider license" and authorizes the licensee to practice only under the supervision of a licensed dentist or licensed oral health practitioner. A resident dental provider license

46.1 must be renewed annually by the board. An applicant for a resident dental provider license  
46.2 shall pay a nonrefundable fee set by the board for issuing and renewing the license. The  
46.3 requirements of sections 150A.01 to 150A.21 apply to resident dental providers except as  
46.4 specified in rules adopted by the board. A resident dental provider license does not qualify  
46.5 a person for licensure under subdivision 1d or 2.

46.6 Sec. 9. Minnesota Statutes 2008, section 150A.06, subdivision 2d, is amended to read:

46.7 Subd. 2d. **Continuing education and professional development waiver.** (a) The  
46.8 board shall grant a waiver to the continuing education requirements under this chapter for  
46.9 a licensed dentist, licensed oral health practitioner, a licensed dental therapist, licensed  
46.10 dental hygienist, or registered dental assistant who documents to the satisfaction of the  
46.11 board that the dentist, oral health practitioner, a dental therapist, dental hygienist, or  
46.12 registered dental assistant has retired from active practice in the state and limits the  
46.13 provision of dental care services to those offered without compensation in a public  
46.14 health, community, or tribal clinic or a nonprofit organization that provides services to  
46.15 the indigent or to recipients of medical assistance, general assistance medical care, or  
46.16 MinnesotaCare programs.

46.17 (b) The board may require written documentation from the volunteer and retired  
46.18 dentist, oral health practitioner, a dental therapist, dental hygienist, or registered dental  
46.19 assistant prior to granting this waiver.

46.20 (c) The board shall require the volunteer and retired dentist, oral health practitioner,  
46.21 dental therapist, dental hygienist, or registered dental assistant to meet the following  
46.22 requirements:

46.23 (1) a licensee or registrant seeking a waiver under this subdivision must complete  
46.24 and document at least five hours of approved courses in infection control, medical  
46.25 emergencies, and medical management for the continuing education cycle; and

46.26 (2) provide documentation of certification in advanced or basic cardiac life support  
46.27 recognized by the American Heart Association, the American Red Cross, or an equivalent  
46.28 entity.

46.29 Sec. 10. Minnesota Statutes 2008, section 150A.06, subdivision 5, is amended to read:

46.30 Subd. 5. **Fraud in securing licenses or registrations.** Every person implicated  
46.31 in employing fraud or deception in applying for or securing a license or registration to  
46.32 practice dentistry, dental hygiene, ~~or~~ dental therapy, or dental assisting, or as an oral health  
46.33 practitioner or in annually renewing a license or registration under sections 150A.01 to  
46.34 150A.12 is guilty of a gross misdemeanor.

Sec. 11. Minnesota Statutes 2008, section 150A.06, subdivision 6, is amended to read:

Subd. 6. **Display of name and certificates.** The initial license and subsequent renewal, or current registration certificate, of every dentist, oral health practitioner, a dental therapist, dental hygienist, or dental assistant shall be conspicuously displayed in every office in which that person practices, in plain sight of patients. Near or on the entrance door to every office where dentistry is practiced, the name of each dentist practicing there, as inscribed on the current license certificate, shall be displayed in plain sight.

Sec. 12. Minnesota Statutes 2008, section 150A.08, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** The board may refuse or by order suspend or revoke, limit or modify by imposing conditions it deems necessary, ~~any the license to practice dentistry or dental hygiene~~ of a dentist, oral health practitioner, dental therapist, or dental hygienist, or the registration of any dental assistant upon any of the following grounds:

(1) fraud or deception in connection with the practice of dentistry or the securing of a license or registration certificate;

(2) conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry as evidenced by a certified copy of the conviction;

(3) conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of an offense involving moral turpitude as evidenced by a certified copy of the conviction;

(4) habitual overindulgence in the use of intoxicating liquors;

(5) improper or unauthorized prescription, dispensing, administering, or personal or other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter 151, or of any controlled substance as defined in chapter 152;

(6) conduct unbecoming a person licensed to practice dentistry, dental therapy, or dental hygiene or as an oral health practitioner or registered as a dental assistant, or conduct contrary to the best interest of the public, as such conduct is defined by the rules of the board;

(7) gross immorality;

(8) any physical, mental, emotional, or other disability which adversely affects a dentist's, oral health practitioner's, dental therapist's, dental hygienist's, or registered dental assistant's ability to perform the service for which the person is licensed or registered;

(9) revocation or suspension of a license, registration, or equivalent authority to practice, or other disciplinary action or denial of a license or registration application taken by a licensing, registering, or credentialing authority of another state, territory, or country

as evidenced by a certified copy of the licensing authority's order, if the disciplinary action or application denial was based on facts that would provide a basis for disciplinary action under this chapter and if the action was taken only after affording the credentialed person or applicant notice and opportunity to refute the allegations or pursuant to stipulation or other agreement;

(10) failure to maintain adequate safety and sanitary conditions for a dental office in accordance with the standards established by the rules of the board;

(11) employing, assisting, or enabling in any manner an unlicensed person to practice dentistry;

(12) failure or refusal to attend, testify, and produce records as directed by the board under subdivision 7;

(13) violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the board, sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any other just cause related to the practice of dentistry. Suspension, revocation, modification or limitation of any license shall not be based upon any judgment as to therapeutic or monetary value of any individual drug prescribed or any individual treatment rendered, but only upon a repeated pattern of conduct;

(14) knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo; or

(15) aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

Sec. 13. Minnesota Statutes 2008, section 150A.08, subdivision 3a, is amended to read:

Subd. 3a. **Costs; additional penalties.** (a) The board may impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to



be fixed so as to deprive a licensee or registrant of any economic advantage gained by reason of the violation, to discourage similar violations by the licensee or registrant or any other licensee or registrant, or to reimburse the board for the cost of the investigation and proceeding, including, but not limited to, fees paid for services provided by the Office of Administrative Hearings, legal and investigative services provided by the Office of the Attorney General, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and travel costs and expenses incurred by board staff and board members.

(b) In addition to costs and penalties imposed under paragraph (a), the board may also:

(1) order the dentist, oral health practitioner, dental therapist, dental hygienist, or dental assistant to provide unremunerated service;

(2) censure or reprimand the dentist, oral health practitioner, dental therapist, dental hygienist, or dental assistant; or

(3) any other action as allowed by law and justified by the facts of the case.

Sec. 14. Minnesota Statutes 2008, section 150A.08, subdivision 5, is amended to read:

Subd. 5. **Medical examinations.** If the board has probable cause to believe that a dentist, oral health practitioner, dental therapist, dental hygienist, registered dental assistant, or applicant engages in acts described in subdivision 1, clause (4) or (5), or has a condition described in subdivision 1, clause (8), it shall direct the dentist, oral health practitioner, dental therapist, dental hygienist, assistant, or applicant to submit to a mental or physical examination or a chemical dependency assessment. For the purpose of this subdivision, every dentist, oral health practitioner, dental therapist, hygienist, or assistant licensed or registered under this chapter or person submitting an application for a license or registration is deemed to have given consent to submit to a mental or physical examination when directed in writing by the board and to have waived all objections in any proceeding under this section to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute a privileged communication. Failure to submit to an examination without just cause may result in an application being denied or a default and final order being entered without the taking of testimony or presentation of evidence, other than evidence which may be submitted by affidavit, that the licensee, registrant, or applicant did not submit to the examination. A dentist, oral health practitioner, dental therapist, dental hygienist, registered dental assistant, or applicant affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate ability to start or resume the competent practice of dentistry

or perform the duties of ~~a~~ an oral health practitioner, dental therapist, dental hygienist, or registered dental assistant with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board is admissible, is subject to subpoena, or may be used against the dentist, oral health practitioner, dental therapist, dental hygienist, registered dental assistant, or applicant in any proceeding not commenced by the board. Information obtained under this subdivision shall be classified as private pursuant to the Minnesota Government Data Practices Act.

Sec. 15. Minnesota Statutes 2008, section 150A.09, subdivision 1, is amended to read:

Subdivision 1. **Registration information and procedure.** On or before the license or registration certificate expiration date every licensed dentist, oral health practitioner, dental therapist, dental hygienist, and registered dental assistant shall transmit to the executive secretary of the board, pertinent information required by the board, together with the fee established by the board. At least 30 days before a license or registration certificate expiration date, the board shall send a written notice stating the amount and due date of the fee and the information to be provided to every licensed dentist, oral health practitioner, dental therapist, dental hygienist, and registered dental assistant.

Sec. 16. Minnesota Statutes 2008, section 150A.09, subdivision 3, is amended to read:

Subd. 3. **Current address, change of address.** Every dentist, oral health practitioner, dental therapist, dental hygienist, and registered dental assistant shall maintain with the board a correct and current mailing address. For dentists engaged in the practice of dentistry, the address shall be that of the location of the primary dental practice. Within 30 days after changing addresses, every dentist, oral health practitioner, dental therapist, dental hygienist, and registered dental assistant shall provide the board written notice of the new address either personally or by first class mail.

Sec. 17. Minnesota Statutes 2008, section 150A.091, subdivision 2, is amended to read:

Subd. 2. **Application fees.** Each applicant for licensure or registration shall submit with a license or registration application a nonrefundable fee in the following amounts in order to administratively process an application:

- (1) dentist, \$140;
- (2) limited faculty dentist, \$140;
- (3) resident dentist, \$55;
- (4) oral health practitioner, \$100;
- (5) dental therapist, \$100;

- 51.1            (6) dental hygienist, \$55;
- 51.2            ~~(5)~~ (7) registered dental assistant, \$35; and
- 51.3            ~~(6)~~ (8) dental assistant with a limited registration, \$15.

51.4            Sec. 18. Minnesota Statutes 2008, section 150A.091, subdivision 3, is amended to read:

51.5            Subd. 3. **Initial license or registration fees.** Along with the application fee, each of  
51.6 the following licensees or registrants shall submit a separate prorated initial license or  
51.7 registration fee. The prorated initial fee shall be established by the board based on the  
51.8 number of months of the licensee's or registrant's initial term as described in Minnesota  
51.9 Rules, part 3100.1700, subpart 1a, not to exceed the following monthly fee amounts:

- 51.10            (1) dentist, \$14 times the number of months of the initial term;
- 51.11            (2) oral health practitioner, \$10 times the number of months of initial term;
- 51.12            (3) dental therapist, \$10 times the number of months of initial term;
- 51.13            (4) dental hygienist, \$5 times the number of months of the initial term;
- 51.14            ~~(3)~~ (5) registered dental assistant, \$3 times the number of months of initial term; and
- 51.15            ~~(4)~~ (6) dental assistant with a limited registration, \$1 times the number of months  
51.16 of the initial term.

51.17            Sec. 19. Minnesota Statutes 2008, section 150A.091, subdivision 5, is amended to read:

51.18            Subd. 5. **Biennial license or registration fees.** Each of the following licensees or  
51.19 registrants shall submit with a biennial license or registration renewal application a fee as  
51.20 established by the board, not to exceed the following amounts:

- 51.21            (1) dentist, \$336;
- 51.22            (2) oral health practitioner, \$240;
- 51.23            (3) dental therapist, \$180;
- 51.24            (4) dental hygienist, \$118;
- 51.25            ~~(3)~~ (5) registered dental assistant, \$80; and
- 51.26            ~~(4)~~ (6) dental assistant with a limited registration, \$24.

51.27            Sec. 20. Minnesota Statutes 2008, section 150A.091, subdivision 8, is amended to read:

51.28            Subd. 8. **Duplicate license or registration fee.** Each licensee or registrant shall  
51.29 submit, with a request for issuance of a duplicate of the original license or registration, or  
51.30 of an annual or biennial renewal of it, a fee in the following amounts:

- 51.31            (1) original dentist, oral health practitioner, dental therapist, or dental hygiene  
51.32 license, \$35; and
- 51.33            (2) initial and renewal registration certificates and license renewal certificates, \$10.

Sec. 21. Minnesota Statutes 2008, section 150A.091, subdivision 10, is amended to read:

Subd. 10. **Reinstatement fee.** No dentist, oral health practitioner, dental therapist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked may have the license or registration reinstated or a new license or registration issued until a fee has been submitted to the board in the following amounts:

(1) dentist, \$140;

(2) oral health practitioner, \$100;

(3) dental therapist, \$85;

(4) dental hygienist, \$55; and

~~(5)~~ (5) registered dental assistant, \$35.

Sec. 22. Minnesota Statutes 2008, section 150A.10, subdivision 1, is amended to read:

Subdivision 1. **Dental hygienists.** Any licensed dentist, licensed dental therapist, public institution, or school authority may obtain services from a licensed dental hygienist. ~~Such~~ The licensed dental hygienist may provide those services defined in section 150A.05, subdivision 1a. ~~Such~~ The services provided shall not include the establishment of a final diagnosis or treatment plan for a dental patient. ~~Such~~ All services shall be provided under supervision of a licensed dentist. Any licensed dentist who shall permit any dental service by a dental hygienist other than those authorized by the Board of Dentistry, shall be deemed to be violating the provisions of sections 150A.01 to 150A.12, and any ~~such~~ unauthorized dental service by a dental hygienist shall constitute a violation of sections 150A.01 to 150A.12.

Sec. 23. Minnesota Statutes 2008, section 150A.10, subdivision 2, is amended to read:

Subd. 2. **Dental assistants.** Every licensed dentist, oral health practitioner, and dental therapist who uses the services of any unlicensed person for the purpose of assistance in the practice of dentistry or dental therapy or within the practice of an oral health practitioner shall be responsible for the acts of such unlicensed person while engaged in such assistance. ~~Such~~ The dentist, oral health practitioner, or dental therapist shall permit ~~such~~ the unlicensed assistant to perform only those acts which are authorized to be delegated to unlicensed assistants by the Board of Dentistry. ~~Such~~ The acts shall be performed under supervision of a licensed dentist, licensed oral health practitioner, or dental therapist. A licensed oral health practitioner or a licensed dental therapist shall not supervise more than four registered dental assistants at any one practice setting. The board may permit differing levels of dental assistance based upon recognized educational

standards, approved by the board, for the training of dental assistants. The board may also define by rule the scope of practice of registered and nonregistered dental assistants. The board by rule may require continuing education for differing levels of dental assistants, as a condition to their registration or authority to perform their authorized duties. Any licensed dentist, oral health practitioner, or dental therapist who ~~shall permit such~~ permits an unlicensed assistant to perform any dental service other than that authorized by the board shall be deemed to be enabling an unlicensed person to practice dentistry, and commission of such an act by ~~such an~~ an unlicensed assistant shall constitute a violation of sections 150A.01 to 150A.12.

Sec. 24. Minnesota Statutes 2008, section 150A.10, subdivision 3, is amended to read:

Subd. 3. **Dental technicians.** Every licensed dentist, oral health practitioner, and dental therapist who uses the services of any unlicensed person, other than under the dentist's or oral health practitioner's supervision and within ~~such dentist's own office~~ the same practice setting, for the purpose of constructing, altering, repairing or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic or other dental appliance, shall be required to furnish such unlicensed person with a written work order in such form as shall be prescribed by the rules of the board; ~~said~~ The work order shall be made in duplicate form, a duplicate copy to be retained in a permanent file ~~in of the dentist's office~~ dentist or oral health practitioner at the practice setting for a period of two years, and the original to be retained in a permanent file for a period of two years by ~~such the~~ the unlicensed person in that person's place of business. ~~Such~~ The permanent file of work orders to be kept by ~~such the~~ the dentist, oral health practitioner, or by ~~such the~~ the unlicensed person shall be open to inspection at any reasonable time by the board or its duly constituted agent.

Sec. 25. Minnesota Statutes 2008, section 150A.10, subdivision 4, is amended to read:

Subd. 4. **Restorative procedures.** (a) Notwithstanding subdivisions 1, 1a, and 2, a licensed dental hygienist or a registered dental assistant may perform the following restorative procedures:

- (1) place, contour, and adjust amalgam restorations;
- (2) place, contour, and adjust glass ionomer;
- (3) adapt and cement stainless steel crowns; and
- (4) place, contour, and adjust class I and class V supragingival composite restorations where the margins are entirely within the enamel.

(b) The restorative procedures described in paragraph (a) may be performed only if:

(1) the licensed dental hygienist or the registered dental assistant has completed a board-approved course on the specific procedures;

(2) the board-approved course includes a component that sufficiently prepares the dental hygienist or registered dental assistant to adjust the occlusion on the newly placed restoration;

(3) a licensed dentist or licensed oral health practitioner has authorized the procedure to be performed; and

(4) a licensed dentist or licensed oral health practitioner is available in the clinic while the procedure is being performed.

(c) The dental faculty who teaches the educators of the board-approved courses specified in paragraph (b) must have prior experience teaching these procedures in an accredited dental education program.

Sec. 26. **[150A.105] ORAL HEALTH PRACTITIONER.**

Subdivision 1. **General.** An oral health practitioner licensed under this chapter may practice under the supervision of a Minnesota-licensed dentist pursuant to a written collaborative management agreement and the requirements of this chapter.

Subd. 2. **Limited practice settings.** An oral health practitioner licensed under this chapter is limited to primarily practicing in settings that serve low-income, uninsured, and underserved patients or are located in a dental health professional shortage area.

Subd. 3. **Collaborative management agreement.** (a) Prior to performing any of the services authorized under this chapter, an oral health practitioner must enter into a written collaborative management agreement with a Minnesota-licensed dentist. The agreement must include:

(1) practice settings where services may be provided and the populations to be served;

(2) any limitations on the services that may be provided by the oral health practitioner, including the level of supervision required by the collaborating dentist and consultation criteria;

(3) age and procedure specific practice protocols, including case selection criteria, examination guidelines, and imaging frequency;

(4) a procedure for creating and maintaining dental records for the patients that are treated by the oral health practitioner;

(5) a plan to manage medical emergencies in each practice setting where the oral health practitioner provides care;

(6) a quality assurance plan for monitoring care provided by the oral health practitioner, including patient care review, referral follow-up, and a quality assurance chart review;

(7) protocols for prescribing, administering, and dispensing medications authorized under subdivision 5, including the specific conditions and circumstances under which these medications are to be prescribed, dispensed, and administered;

(8) criteria relating to the provision of care to patients with specific medical conditions or complex medication histories, including any requirements for consultation prior to the initiation of care;

(9) criteria for the supervision of allied dental personnel;

(10) a plan for the provision of clinical referrals in situations that are beyond the diagnostic or treatment capabilities of the oral health practitioner; and

(11) a description of any financial arrangement, if applicable, between the oral health practitioner and collaborating dentist.

(b) A collaborating dentist must be licensed and practicing in Minnesota. The collaborating dentist shall accept responsibility for all services authorized and performed by the oral health practitioner under the collaborative management agreement. Any licensed dentist who permits an oral health practitioner to perform a dental service other than those authorized under this section or by the board or any oral health practitioner who performs unauthorized services violates sections 150A.01 to 150A.12.

(c) Both the collaborating dentist and the oral health practitioner must maintain professional liability coverage. Proof of professional liability coverage shall be submitted to the board as part of the collaborative management agreement.

(d) Collaborative management agreements must be signed and maintained by the collaborating dentist and the oral health practitioner. Agreements must be reviewed, updated, and submitted to the board on an annual basis.

(e) A collaborating dentist shall accept any patient referred by the oral health practitioner or have a referral process for patients that are referred by the oral health practitioner.

(f) A collaborating dentist must conduct periodic oversight reviews of each oral health practitioner with whom the dentist has entered into a collaborative management agreement.

**Subd. 4. Scope of practice.** (a) A licensed oral health practitioner may perform dental services as authorized under this section within the parameters of the collaborative management agreement.

56.1            (b) The services a licensed oral health practitioner may perform include preventive,  
56.2 primary diagnostic, educational, palliative, therapeutic, and restorative oral health services  
56.3 as specified in paragraph (c), and within the parameters of the collaborative management  
56.4 agreement.

56.5            (c) A licensed oral health practitioner may perform the following services under  
56.6 general supervision, unless restricted or prohibited in the collaborative management  
56.7 agreement:

56.8            (1) preventive, palliative, diagnostic, and assessment services:

56.9            (i) oral health instruction and disease prevention education, including nutritional  
56.10 counseling and dietary analysis;

56.11           (ii) diagnostic services, including an examination, evaluation, and assessment to  
56.12 identify oral disease and conditions;

56.13           (iii) formulation of a diagnosis and individualized treatment plan, including  
56.14 preliminary charting of the oral cavity;

56.15           (iv) taking of radiographs;

56.16           (v) fabrication of athletic mouthguards;

56.17           (vi) application of topical preventive or prophylactic agents, including fluoride  
56.18 varnishes and pit and fissure sealants;

56.19           (vii) emergency palliative treatment of dental pain;

56.20           (viii) pulp vitality testing;

56.21           (ix) application of desensitizing medication or resin; and

56.22           (x) space maintainer removal;

56.23           (2) restorative services:

56.24           (i) cavity preparation class I-IV;

56.25           (ii) restoration of primary and permanent teeth class I-IV;

56.26           (iii) placement of temporary crowns;

56.27           (iv) placement of temporary restorations;

56.28           (v) preparation and placement of preformed crowns;

56.29           (vi) pulpotomies on primary teeth;

56.30           (vii) indirect and direct pulp capping on primary and permanent teeth;

56.31           (viii) repair of defective prosthetic appliances;

56.32           (ix) recementing of permanent crowns;

56.33           (x) administering nitrous oxide inhalation analgesia;

56.34           (xi) administering injections of local anesthetic agents;

56.35           (xii) soft-tissue reline and conditioning;

56.36           (xiii) atraumatic restorative technique; and



57.1 (xiv) opening permanent teeth for pulpal debridement and opening chamber; and  
57.2 (3) surgical services:  
57.3 (i) extractions of primary and permanent teeth;  
57.4 (ii) suture placement and removal;  
57.5 (iii) dressing change;  
57.6 (iv) brush biopsies;  
57.7 (v) tooth reimplantation and stabilization;  
57.8 (vi) abscess incision and drainage;  
57.9 (vii) placement of space maintainers; and  
57.10 (viii) fabrication of soft-occlusal guards.

57.11 (d) For purposes of this section, "general supervision" has the meaning given in  
57.12 Minnesota Rules, part 3100.0100, subpart 21.

57.13 Subd. 5. **Prescribing authority.** (a) A licensed oral health practitioner may  
57.14 prescribe, dispense, and administer the following drugs within the parameters of the  
57.15 collaborative management agreement and within the scope of practice of the oral health  
57.16 practitioner: analgesics, anti-inflammatories, and antibiotics.

57.17 (b) The authority to prescribe, dispense, and administer shall extend only to the  
57.18 categories of drugs identified in this subdivision, and may be further limited by the  
57.19 collaborative management agreement.

57.20 (c) The authority to dispense includes the authority to dispense sample drugs within  
57.21 the categories identified in this subdivision if dispensing is permitted by the collaborative  
57.22 management agreement.

57.23 (d) Notwithstanding paragraph (a), a licensed oral health practitioner is prohibited  
57.24 from dispensing, prescribing, or administering a narcotic drug as defined in section  
57.25 152.01, subdivision 10.

57.26 Subd. 6. **Application of other laws.** A licensed oral health practitioner authorized  
57.27 to practice under this chapter is not in violation of section 150A.05 as it relates to the  
57.28 unauthorized practice of dentistry if the practice is authorized under this chapter and is  
57.29 within the parameters of the collaborative management agreement.

57.30 Subd. 7. **Use of dental allied personnel.** (a) A licensed oral health practitioner  
57.31 may supervise registered and unregistered dental assistants to the extent permitted in the  
57.32 collaborative management agreement and according to section 150A.10, subdivision 2.

57.33 (b) Notwithstanding paragraph (a), a licensed oral health practitioner is limited to  
57.34 supervising no more than four registered dental assistants at any one practice setting.

57.35 Subd. 8. **Definitions.** (a) For the purposes of this section, the following definitions  
57.36 apply.

(b) "Practice settings that serve the low-income, uninsured, and underserved" mean:

(1) critical access dental provider settings as designated by the commissioner of human services under section 256B.76, subdivision 4;

(2) dental hygiene collaborative practice settings identified in section 150A.10, subdivision 1a, paragraph (e), medical facilities, assisted living facilities, local and state correctional facilities, federally qualified health centers, and organizations eligible to receive a community clinic grant under section 145.9268, subdivision 1;

(3) military and veterans administration hospitals, clinics, and care settings;

(4) a patient's residence or home when the patient is homebound or receiving or eligible to receive home care services or home and community-based waived services, regardless of the patient's income;

(5) oral health educational institutions; or

(6) any other clinic or practice setting, including mobile dental units, in which at least 50 percent of the oral health practitioner's total patient base in that clinic or practice setting are patients who:

(i) are enrolled in a state public health care program;

(ii) have a medical disability or chronic condition that creates a significant barrier to receiving dental care;

(iii) reside in geographically isolated or medically underserved areas; or

(iv) do not have dental health coverage either through a state public health care program or private insurance, and whose family gross income is equal to or less than 275 percent of the federal poverty guidelines.

(c) "Dental health professional shortage area" means an area that meets the criteria established by the secretary of the United States Department of Health and Human Services and is designated as such under United States Code, title 42, section 254e.

Sec. 27. **[150A.106] DENTAL THERAPIST.**

Subdivision 1. **General.** A dental therapist licensed under this chapter shall practice under the supervision of a Minnesota-licensed dentist and under the requirements of this chapter.

Subd. 2. **Limited practice settings.** A dental therapist licensed under this chapter is limited to primarily practicing in settings that serve low-income and underserved patients or in a dental health professional shortage area.

Subd. 3. **Collaborative management agreement.** (a) Prior to performing any of the services authorized under this chapter, a dental therapist must enter into a written

59.1 collaborative management agreement with a Minnesota-licensed dentist. The agreement  
59.2 must include:

59.3 (1) practice settings where services may be provided and the populations to be  
59.4 served;

59.5 (2) any limitations on the services that may be provided by the dental therapist,  
59.6 including the level of supervision required by the collaborating dentist;

59.7 (3) age and procedure specific practice protocols, including case selection criteria,  
59.8 assessment guidelines, and imaging frequency;

59.9 (4) a procedure for creating and maintaining dental records for the patients that  
59.10 are treated by the dental therapist;

59.11 (5) a plan to manage medical emergencies in each practice setting where the dental  
59.12 therapist provides care;

59.13 (6) a quality assurance plan for monitoring care provided by the dental therapist,  
59.14 including patient care review, referral follow-up, and a quality assurance chart review;

59.15 (7) protocols for administering and dispensing medications authorized under  
59.16 subdivision 5, including the specific conditions and circumstance under which these  
59.17 medications are to be dispensed and administered;

59.18 (8) criteria relating to the provision of care to patients with specific medical  
59.19 conditions or complex medication histories, including requirements for consultation prior  
59.20 to the initiation of care;

59.21 (9) supervision criteria of registered and nonregistered dental assistants; and

59.22 (10) a plan for the provision of clinical resources and referrals in situations which  
59.23 are beyond the capabilities of the dental therapist.

59.24 (b) A collaborating dentist must be licensed and practicing in Minnesota. The  
59.25 collaborating dentist shall accept responsibility for all services authorized and performed  
59.26 by the dental therapist pursuant to the management agreement. Any licensed dentist who  
59.27 permits a dental therapist to perform a dental service other than those authorized under  
59.28 this section or by the board, or any dental therapist who performs an unauthorized service,  
59.29 violates sections 150A.01 to 150A.12.

59.30 (c) Collaborative management agreements must be signed and maintained by the  
59.31 collaborating dentist and the dental therapist. Agreements must be reviewed, updated, and  
59.32 submitted to the board on an annual basis.

59.33 Subd. 4. **Scope of practice.** (a) A licensed dental therapist may perform dental  
59.34 services as authorized under this section within the parameters of the collaborative  
59.35 management agreement.

(b) The services authorized to be performed by a licensed dental therapist include preventive, evaluative, and educational oral health services, as specified in paragraphs (c), (d), and (e), and within the parameters of the collaborative management agreement.

(c) A licensed dental therapist may perform the following preventive, evaluative, and assessment services under general supervision, unless restricted or prohibited in the collaborative management agreement:

(1) oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;

(2) assessment services, including an evaluation and assessment to identify oral disease and conditions;

(3) preliminary charting of the oral cavity;

(4) making radiographs;

(5) mechanical polishing;

(6) application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants;

(7) pulp vitality testing; and

(8) application of desensitizing medication or resin.

(d) A licensed dental therapist may perform the following services under indirect supervision:

(1) fabrication of athletic mouthguards;

(2) emergency palliative treatment of dental pain;

(3) space maintainer removal;

(4) restorative services:

(i) cavity preparation class I-IV;

(ii) restoration of primary and permanent teeth class I-IV;

(iii) placement of temporary crowns;

(iv) placement of temporary restorations;

(v) preparation and placement of preformed crowns; and

(vi) pulpotomies on primary teeth;

(5) indirect and direct pulp capping on primary and permanent teeth;

(6) fabrication of soft-occlusal guards;

(7) soft-tissue reline and conditioning;

(8) atraumatic restorative technique;

(9) surgical services:

(i) extractions of primary teeth;

(ii) suture removal; and

- 61.1 (iii) dressing change;
- 61.2 (10) tooth reimplantation and stabilization;
- 61.3 (11) administration of local anesthetic; and
- 61.4 (12) administration of nitrous oxide.

61.5 (e) A licensed dental therapist may perform the following services under direct  
61.6 supervision:

- 61.7 (1) placement of space maintainers; and
- 61.8 (2) recementing of permanent crowns.

61.9 (f) For purposes of this section, "general supervision," "indirect supervision,"  
61.10 and "direct supervision" have the meanings given in Minnesota Rules, part 3100.0100,  
61.11 subpart 21.

61.12 Subd. 5. **Dispensing authority.** (a) A licensed dental therapist may dispense and  
61.13 administer the following drugs within the parameters of the collaborative management  
61.14 agreement and within the scope of practice of the dental therapist: analgesics,  
61.15 anti-inflammatories, and antibiotics.

61.16 (b) The authority to dispense and administer shall extend only to the categories  
61.17 of drugs identified in this subdivision, and may be further limited by the collaborative  
61.18 management agreement.

61.19 (c) The authority to dispense includes the authority to dispense sample drugs within  
61.20 the categories identified in this subdivision if dispensing is permitted by the collaborative  
61.21 management agreement.

61.22 (d) A licensed dental therapist is prohibited from dispensing or administering a  
61.23 narcotic drug as defined in section 152.01, subdivision 10.

61.24 Subd. 6. **Application of other laws.** A licensed dental therapist authorized to  
61.25 practice under this chapter is not in violation of section 150A.05 as it relates to the  
61.26 unauthorized practice of dentistry if the practice is authorized under this chapter and is  
61.27 within the parameters of the collaborative management agreement.

61.28 Subd. 7. **Use of dental assistants.** (a) A licensed dental therapist may supervise  
61.29 registered and unregistered dental assistants to the extent permitted in the collaborative  
61.30 management agreement and according to section 150A.10, subdivision 2.

61.31 (b) Notwithstanding paragraph (a), a licensed dental therapist is limited to  
61.32 supervising no more than four registered dental assistants or nonregistered dental  
61.33 assistants at any one practice setting.

61.34 Subd. 8. **Definitions.** (a) For the purposes of this section, the following definitions  
61.35 apply.

61.36 (b) "Practice settings that serve the low-income and underserved" mean:

(1) critical access dental provider settings as designated by the commissioner of human services under section 256B.76, subdivision 4;

(2) dental hygiene collaborative practice settings identified in section 150A.10, subdivision 1a, paragraph (e), and including medical facilities, assisted living facilities, federally qualified health centers, and organizations eligible to receive a community clinic grant under section 145.9268, subdivision 1;

(3) military and veterans administration hospitals, clinics, and care settings;

(4) a patient's residence or home when the patient is home-bound or receiving or eligible to receive home care services or home and community-based waived services, regardless of the patient's income;

(5) oral health educational institutions; or

(6) any other clinic or practice setting, including mobile dental units, in which at least 50 percent of the total patient base of the clinic or practice setting consists of patients who:

(i) are enrolled in a Minnesota health care program;

(ii) have a medical disability or chronic condition that creates a significant barrier to receiving dental care; or

(iii) do not have dental health coverage, either through a public health care program or private insurance, and have an annual gross family income equal to or less than 200 percent of the federal poverty guidelines.

(c) "Dental health professional shortage area" means an area that meets the criteria established by the secretary of the United States Department of Health and Human Services and is designated as such under United States Code, title 42, section 254e.

Sec. 28. Minnesota Statutes 2008, section 150A.11, subdivision 4, is amended to read:

Subd. 4. **Dividing fees.** It shall be unlawful for any dentist to divide fees with or promise to pay a part of the dentist's fee to, or to pay a commission to, any dentist or other person who calls the dentist in consultation or who sends patients to the dentist for treatment, or operation, but nothing herein shall prevent licensed dentists from forming a bona fide partnership for the practice of dentistry, nor to the actual employment by a licensed dentist of, a licensed oral health practitioner, a licensed dental therapist, a licensed dental hygienist or another licensed dentist.

Sec. 29. Minnesota Statutes 2008, section 150A.12, is amended to read:

**150A.12 VIOLATION AND DEFENSES.**

Every person who violates any of the provisions of sections 150A.01 to 150A.12 for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor;

and, upon conviction, punished by a fine of not more than \$3,000 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. In the prosecution of any person for violation of sections 150A.01 to 150A.12, it shall not be necessary to allege or prove lack of a valid license to practice dentistry ~~or~~ dental hygiene, or dental therapy, or as an oral health practitioner but ~~such matter~~ shall be a matter of defense to be established by the defendant.

Sec. 30. Minnesota Statutes 2008, section 150A.21, subdivision 1, is amended to read:

Subdivision 1. **Patient's name and Social Security number.** Every complete upper and lower denture and removable dental prosthesis fabricated by a dentist licensed under section 150A.06, or fabricated pursuant to the dentist's or oral health practitioner's work order, shall be marked with the name and Social Security number of the patient for whom the prosthesis is intended. The markings shall be done during fabrication and shall be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the dentist, oral health practitioner, or dental laboratory fabricating the prosthesis. If in the professional judgment of the dentist, oral health practitioner, or dental laboratory, this identification is not practicable, identification shall be provided as follows:

(a) The Social Security number of the patient may be omitted if the name of the patient is shown;

(b) The initials of the patient may be shown alone, if use of the name of the patient is impracticable;

(c) The identification marks may be omitted in their entirety if none of the forms of identification specified in clauses (a) and (b) are practicable or clinically safe.

Sec. 31. Minnesota Statutes 2008, section 150A.21, subdivision 4, is amended to read:

Subd. 4. **Failure to comply.** Failure of any dentist or oral health practitioner to comply with this section shall be deemed to be a violation for which the dentist or oral health practitioner may be subject to proceedings pursuant to section 150A.08, provided the dentist or oral health practitioner is charged with the violation within two years of initial insertion of the dental prosthetic device.

Sec. 32. Minnesota Statutes 2008, section 151.01, subdivision 23, is amended to read:

Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, or licensed veterinarian. For purposes

of sections 151.15, subdivision 4, 151.37, subdivision 2, paragraphs (b), (e), and (f), and 151.461, "practitioner" also means a physician assistant authorized to prescribe, dispense, and administer under chapter 147A, ~~or~~ an advanced practice nurse authorized to prescribe, dispense, and administer under section 148.235, or a licensed oral health practitioner authorized to prescribe, dispense, and administer under chapter 150A. For purposes of sections 151.15, subdivision 4; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner" also means a dental therapist authorized to dispense and administer under chapter 150A.

Sec. 33. Minnesota Statutes 2008, section 151.37, subdivision 2, is amended to read:

Subd. 2. **Prescribing and filing.** (a) A licensed practitioner in the course of professional practice only, may prescribe, administer, and dispense a legend drug, and may cause the same to be administered by a nurse, a physician assistant, an oral health practitioner, or medical student or resident under the practitioner's direction and supervision, and may cause a person who is an appropriately certified, registered, or licensed health care professional to prescribe, dispense, and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes. A licensed practitioner may prescribe a legend drug, without reference to a specific patient, by directing a nurse, pursuant to section 148.235, subdivisions 8 and 9, an oral health practitioner under chapter 150A, a physician assistant, or a medical student or resident to adhere to a particular practice guideline or protocol when treating patients whose condition falls within such guideline or protocol, and when such guideline or protocol specifies the circumstances under which the legend drug is to be prescribed and administered. An individual who verbally, electronically, or otherwise transmits a written, oral, or electronic order, as an agent of a prescriber, shall not be deemed to have prescribed the legend drug. This paragraph applies to a physician assistant only if the physician assistant meets the requirements of section 147A.18.

(b) A licensed practitioner that dispenses for profit a legend drug that is to be administered orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the practitioner's licensing board a statement indicating that the practitioner dispenses legend drugs for profit, the general circumstances under which the practitioner dispenses for profit, and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs for profit after July 31, 1990, unless the statement has been filed with the appropriate licensing board. For purposes of this paragraph, "profit" means (1) any amount received by the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are purchased in prepackaged form, or (2) any amount received



by the practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03. This paragraph does not apply to a licensed doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing by a community health clinic when the profit from dispensing is used to meet operating expenses.

(c) A prescription or drug order for the following drugs is not valid, unless it can be established that the prescription or order was based on a documented patient evaluation, including an examination, adequate to establish a diagnosis and identify underlying conditions and contraindications to treatment:

- (1) controlled substance drugs listed in section 152.02, subdivisions 3 to 5;
- (2) drugs defined by the Board of Pharmacy as controlled substances under section 152.02, subdivisions 7, 8, and 12;
- (3) muscle relaxants;
- (4) centrally acting analgesics with opioid activity;
- (5) drugs containing butalbital; or
- (6) phosphodiesterase type 5 inhibitors when used to treat erectile dysfunction.

(d) For the purposes of paragraph (c), the requirement for an examination shall be met if an in-person examination has been completed in any of the following circumstances:

- (1) the prescribing practitioner examines the patient at the time the prescription or drug order is issued;
- (2) the prescribing practitioner has performed a prior examination of the patient;
- (3) another prescribing practitioner practicing within the same group or clinic as the prescribing practitioner has examined the patient;
- (4) a consulting practitioner to whom the prescribing practitioner has referred the patient has examined the patient; or
- (5) the referring practitioner has performed an examination in the case of a consultant practitioner issuing a prescription or drug order when providing services by means of telemedicine.

(e) Nothing in paragraph (c) or (d) prohibits a licensed practitioner from prescribing a drug through the use of a guideline or protocol pursuant to paragraph (a).

(f) Nothing in this chapter prohibits a licensed practitioner from issuing a prescription or dispensing a legend drug in accordance with the Expedited Patient Therapy

in the Management of Sexually Transmitted Diseases guidance document issued by the United States Centers for Disease Control.

(g) Nothing in paragraph (c) or (d) limits prescription, administration, or dispensing of legend drugs through a public health clinic or other distribution mechanism approved by the commissioner of health or a board of health in order to prevent, mitigate, or treat a pandemic illness, infectious disease outbreak, or intentional or accidental release of a biological, chemical, or radiological agent.

(h) No pharmacist employed by, under contract to, or working for a pharmacy licensed under section 151.19, subdivision 1, may dispense a legend drug based on a prescription that the pharmacist knows, or would reasonably be expected to know, is not valid under paragraph (c).

(i) No pharmacist employed by, under contract to, or working for a pharmacy licensed under section 151.19, subdivision 2, may dispense a legend drug to a resident of this state based on a prescription that the pharmacist knows, or would reasonably be expected to know, is not valid under paragraph (c).

Sec. 34. **IMPACT OF ORAL HEALTH PRACTITIONERS AND DENTAL THERAPISTS.**

(a) The Board of Dentistry shall evaluate the impact of the use of oral health practitioners and dental therapists on the delivery of and access to dental services. The board shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over health care by January 15, 2014:

(1) the number of oral health practitioners and dental therapists annually licensed by the board beginning in 2011;

(2) the settings where licensed oral health practitioners and dental therapists are practicing and the populations being served;

(3) the number of complaints filed against oral health practitioners and dental therapists and the basis for each complaint; and

(4) the number of disciplinary actions taken against oral health practitioners and dental therapists.

(b) The board, in consultation with the Department of Human Services, shall also include the number and type of dental services that were performed by oral health practitioners and dental therapists and reimbursed by the state under the Minnesota state health care programs for the 2013 fiscal year.

(c) The Board of Dentistry, in consultation with the Department of Health, shall develop an evaluation process that focuses on assessing the impact of oral health

67.1 practitioners and dental therapists in terms of patient safety, cost effectiveness, and access  
67.2 to dental services. The process shall focus on the following outcome measures:

67.3 (1) number of new patients served;

67.4 (2) reduction in waiting times for needed services;

67.5 (3) decreased travel time for patients;

67.6 (4) impact on emergency room usage for dental care; and

67.7 (5) costs to the public health care system.

67.8 (d) The evaluation process shall be used by the board in the report required in  
67.9 paragraph (a) and shall expire January 1, 2014.

67.10 Sec. 35. **REPEALER.**

67.11 Minnesota Statutes 2008, section 150A.061, is repealed.

APPENDIX  
Article locations in s2083-2

ARTICLE 1	HIGHER EDUCATION APPROPRIATIONS .....	Page.Ln 1.29
ARTICLE 2	RELATED HIGHER EDUCATION PROVISIONS .....	Page.Ln 20.13
ARTICLE 3	ORAL HEALTH CARE PRACTITIONERS .....	Page.Ln 42.20

**136A.127 ACHIEVE SCHOLARSHIP PROGRAM.**

Subd. 8. **Documentation of qualifying household income.** Achieve scholarship program applicants must certify on the application that they meet the income eligibility requirement in subdivision 4, clause (3). The Office of Higher Education or the postsecondary institution may request documentation needed to confirm income eligibility.

Subd. 13. **Disbursement of scholarships.** The office shall make two equal payments to a postsecondary institution on behalf of the student. After the student successfully completes the first term of enrollment, the second payment must be made during the student's next term of enrollment at an eligible institution. If the second disbursement is not within the same academic year as the first disbursement, the student must request the second disbursement.

**150A.061 ORAL HEALTH PRACTITIONER.**

Subdivision 1. **Oral health practitioner requirements.** The board shall authorize a person to practice as an oral health practitioner if that person is qualified under this section, works under the supervision of a Minnesota-licensed dentist pursuant to a written collaborative management agreement, is licensed by the board, and practices in compliance with this section and rules adopted by the board. No oral health practitioner shall be authorized to practice prior to January 1, 2011. To be qualified to practice under this section, the person must:

(1) be a graduate of an oral health practitioner education program that is accredited by a national accreditation organization to the extent required under subdivision 2 and approved by the board;

(2) pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing oral health practitioner education; and

(3) satisfy the requirements established in this section and by the board.

Subd. 2. **Education program approval.** If a national accreditation program for midlevel practitioners is established by the Commission on Dental Accreditation or another national accreditation organization, the board shall require that an oral health practitioner be a graduate of an accredited education program.

Subd. 3. **Requirement to practice in underserved areas.** As a condition of being granted authority to practice as an oral health practitioner under this section, the practitioner must agree to practice in settings serving low-income, uninsured, and underserved patients or in a dental health professional shortage area as determined by the commissioner of health.

Subd. 4. **Application of other laws.** An oral health practitioner authorized to practice under this section is not in violation of section 150A.05 relating to the unauthorized practice of dentistry and chapter 151 relating to authority to prescribe, dispense, or administer drugs.

Subd. 5. **Rulemaking.** The Board of Dentistry may adopt rules to implement this section.